



# Federal Register

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phone numbers, online resources, finding aids, reminders,  
and notice of recently enacted public laws.

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Federal Register

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This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## FEDERAL RESERVE SYSTEM

### 12 CFR Part 205

[Regulation E; Docket No. R-1074]

#### Electronic Fund Transfers

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Final rule; official staff interpretation.

**SUMMARY:** The Board is adopting a final rule revising the Official Staff Commentary to Regulation E, which implements the Electronic Fund Transfer Act. The commentary interprets the requirements of Regulation E, to facilitate compliance by financial institutions that offer electronic fund transfer services to consumers. The final rule provides guidance on Regulation E coverage of electronic check conversion transactions and computer-initiated bill payments; authorization of recurring debits from a consumer's account; telephone-initiated transfers; and other issues.

**DATES:** The rule is effective March 15, 2001; however, to allow time for any necessary operational changes, the mandatory compliance date is January 1, 2002.

**FOR FURTHER INFORMATION CONTACT:** Natalie E. Taylor or John C. Wood, Counsel, or David A. Stein, Attorney, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, Washington, DC 20551, at (202) 452-2412 or (202) 452-3667.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The Electronic Fund Transfer Act (EFTA or the act) (15 U.S.C. 1693 *et seq.*), enacted in 1978, provides a basic framework establishing the rights, liabilities, and responsibilities of participants in electronic fund transfer

(EFT) systems. The EFTA is implemented by the Board's Regulation E (12 CFR part 205). Types of transfers covered by the act and regulation include transfers initiated through an automated teller machine (ATM), point-of-sale (POS) terminal, automated clearinghouse (ACH), telephone bill-payment plan, or remote banking program. The act and regulation require disclosure of terms and conditions of an EFT service; documentation of EFTs by means of terminal receipts and periodic account statements; limitations on consumer liability for unauthorized transfers; procedures for error resolution; and certain rights related to preauthorized EFTs. The act and regulation also prescribe restrictions on the unsolicited issuance of ATM cards and other access devices.

The act's coverage is not limited to traditional financial institutions holding consumers' asset accounts. For EFT services made available by entities other than an account-holding financial institution, the act directs the Board to assure, by regulation, that the disclosures, responsibilities, and remedies of the act are made applicable.

The Official Staff Commentary (12 CFR part 205 (Supp. I)) is designed to facilitate compliance and provide protection from civil liability, under § 915(d)(1) of the act, for financial institutions that act in conformity with it. The commentary is updated periodically, as necessary, to address significant questions that arise.

##### II. Summary of the Proposed and Final Revisions

On June 29, 2000, the Board published proposed revisions to the Official Staff Commentary to Regulation E (65 FR 40061). The most significant issues addressed by the proposal were coverage of transactions that involve electronic check conversion, computer-initiated bill payments, and authorizations of recurring debits. The Board received more than 120 comment letters on the proposal. The majority of comments were from financial institutions, ACH associations, retailers, and their representatives. Overall, most commenters supported the Board's proposed revisions as necessary and helpful guidance.

The Board is adopting the revisions to the official staff commentary substantially as proposed. Some modifications have been made to

address comments about the need for consistency in the coverage of electronic check conversion transactions and the standard for electronic authorization of recurring transfers. Other comments have been modified to address commenters' requests for additional clarification.

##### Electronic Check Conversion

The proposal sought to clarify Regulation E coverage of transactions where a merchant at POS uses a consumer's blank, partially completed, or fully completed and signed check to obtain information for initiating a one-time ACH debit from the consumer's account. The National Automated Clearing House Association (NACHA) and other entities have, or are planning, programs that permit such transactions. In one type of program, known as "consumer-as-keeper," after an EFT is initiated the merchant returns the check to the consumer. The proposal made clear that such transfers are covered by Regulation E. In another type of program, known as "financial institution-as-keeper" (which NACHA has not approved), the merchant or its financial institution retains the check. The supplementary information to the proposal indicated that Regulation E would cover the transfer where the check is blank or only partially completed. If, however, the check is fully completed and signed and retained by the merchant, the transfer would be excluded from coverage under Regulation E unless the consumer authorized an EFT. The Board solicited comment on this interpretation and the extent to which merchants are carrying out transactions under the "financial institution-as-keeper" model.

The supplementary information also addressed transfers resulting from NACHA's lockbox program where a payee converts consumers' checks received by mail to ACH debits. Under that program, consumers are informed that the payments will be processed as EFTs. The proposal stated that these transactions would not be covered by Regulation E since transfers originated by check are excluded from coverage.

Under the final rule, where a consumer authorizes a one-time EFT from the consumer's account using information from a check to initiate the transfer, the transaction is covered by Regulation E. Application of the rule is



consistent and the result is the same whether the check is blank, partially completed, or fully completed and signed; whether the check is presented at POS or mailed to a merchant or lockbox and later converted to an EFT; or whether the check is retained by the consumer, the merchant, or the merchant's financial institution. (See comment 3(b)–1(v) and supplementary information under the Section-by-Section Analysis. The term “check” is used for ease of reference; it is intended to include a draft.)

The proposal also provided guidance on the coverage of “re-presented check entry” or “RCK” transactions, where a check used to pay for goods or services is subsequently returned for insufficient funds and the payee re-presents the check electronically through an ACH system. Under the proposal, an EFT resulting from the electronic re-presentation of the check would be the continuation of a transaction originated by check, and excluded from Regulation E coverage. A fee assessed by the payee for re-presentation, such as a collection fee, however, would be covered by the regulation if authorized by the consumer to be debited electronically from the consumer's account. Under the final rule, the comment is adopted substantially as proposed, with modifications that clarify the authorization requirements. (See comment 3(c)(1)–1.)

#### *Computer-Initiated Transfers*

The Board proposed revisions concerning the coverage of computer-initiated transfers pursuant to a bill-payment service. Under the proposal, such transfers would be covered unless the terms of the service agreement explicitly state that payments will be carried out solely by check, draft, or similar paper instrument.

The final rule provides that computer-initiated payments are covered by the regulation unless the agreement with the consumer expressly states that all payments will be made by check, draft, or similar paper instrument, or specifically identifies payments that will be made by check, draft, or similar paper instrument. (See comment 3(b)–1(vi).)

#### *Authorization of Recurring Debits*

Section 205.10(b) requires that recurring electronic debits from a consumer's account be authorized “only by a writing signed or similarly authenticated by the consumer.” The Board proposed to revise comment 10(b)–5 to ensure that financial institutions had guidance on the flexibility of establishing authentication

methods. When the proposal was issued, the Congress had passed, but the President had not yet signed into law, electronic commerce legislation that addressed, among other things, the use and acceptance of electronic signatures and records for electronic commerce in general. The Board noted in the supplementary information to the proposal that if the legislation became law, the “similarly authenticated” standard could become unnecessary. On June 30, 2000, the Electronic Signatures in Global and National Commerce Act (the E-Sign Act), 15 U.S.C. 7001, *et seq.*, became law. The E-Sign Act provides that electronic documents and signatures have the same validity as paper documents and handwritten signatures. Most of the act's provisions took effect October 1, 2000.

Under the final rule, revisions have been made to ensure consistency with the E-Sign Act and to provide flexibility. For example, the rule clarifies that the copy of the authorization returned to the consumer may be in paper or electronic form, and that a code used as a means to “similarly authenticate” an authorization need not originate with the paying institution. (See comment 10(b)–5).

#### *Other Issues*

The Board generally solicited comment on how aggregation services made available to consumers through an Internet web site currently operate or might operate in the future, and posed several questions about the services. Aggregation services permit consumers to view financial information consolidated from multiple sources, such as their credit card, securities, and deposit accounts at a number of institutions. Because the Board did not publish a proposed interpretation related to aggregation services, the final commentary does not address these issues. The Board will consider addressing these issues in a future proposal.

The proposal also provided technical clarifications on various issues. They include exceptions from the periodic statement requirements, definition of an electronic terminal, timing of disclosures, and compulsory use. Revisions have been made in the final rule to address commenters' requests for additional clarification.

### **III. Section-by-Section Analysis of the Final Rule**

#### **Supplement I—Official Staff Interpretations**

##### *Section 205.2—Definitions*

##### **2(a) Access Device**

Regulation E defines an “access device” as a card, code, or other means of access to a consumer's account, or any combination thereof, that may be used by the consumer to initiate EFTs. The proposed rule provided that in check conversion programs that allow a merchant to use a consumer's check to obtain the routing, account, and serial numbers to initiate a one-time EFT, the check is not an access device. Thus, it is not subject to limitations on issuance, for example. Comment 2(a)–2 is added as proposed with some modifications for clarity. (See also discussion under “Electronic check conversion” in Section II.)

##### **2(h) Electronic Terminal**

Comment 2(h)–2 currently states that a POS terminal that captures data electronically is an electronic terminal if a debit card is used to initiate an EFT. Some have interpreted the provision narrowly to apply only when a debit card is used to initiate an EFT. Comment 2(h)–2 is revised, as proposed, to provide that a POS terminal that captures data electronically to initiate an EFT is an electronic terminal even if no access device is used, such as when a check is used to capture information to initiate a one-time EFT. Most commenters supported this revision.

The receipt requirements of § 205.9 apply whether a debit card or information from a check is used to initiate a transfer. A check used to capture information to initiate an EFT at POS itself may serve as the receipt in some cases if it meets the requirements of § 205.9.

A merchant does not meet the definition of “financial institution” under the act or regulation since the merchant does not hold the consumer's account or issue an access device and agree with the consumer to provide EFT services. But because the merchant is using an electronic terminal to capture information from the consumer's check to initiate an EFT, the merchant is providing an EFT service. A merchant participating in electronic check conversion transactions will likely use an electronic terminal for credit card and debit card transactions. Given that the merchant must comply with the receipt requirements of § 205.9 of the regulation for debit card transactions, the Board believes the merchant will

similarly provide receipts for electronic check transactions. Consequently, the Board has not proposed to amend the regulation at this time to require merchants to provide receipts.

Section 904(d) of the EFTA provides that “[i]f electronic fund transfer services are made available to consumers by a person other than a financial institution holding a consumer’s account, the Board shall by regulation assure that the disclosures, protections, responsibilities, and remedies created by [the EFTA] are made applicable to such persons and services.” If the Board becomes aware that consumers are not receiving receipts in connection with check conversion transactions (or that merchants are not transmitting information needed for consumers’ periodic statements), the Board will consider exercising its authority under § 904 to require compliance by merchants.

#### 2(k) Preauthorized Electronic Fund Transfer

Section 205.2(k) defines a “preauthorized electronic fund transfer” as an EFT authorized in advance to recur at substantially regular intervals. Beyond that authorization, no further action by the consumer is required to initiate the transfer. Comment 2(k)–1 is added as proposed. Commenters supported the clarification.

#### 2(m) Unauthorized Electronic Fund Transfer

Certain payments often are made to a consumer’s account through the ACH, such as direct deposits of payroll or government benefits. NACHA rules permit reversal of payments made in error in limited circumstances. Comment 2(m)–5 is added, with some modifications from the proposal, to clarify that reversals of certain direct deposits that were made in error are not “unauthorized” EFTs. The last sentence in paragraph (iii) of the proposed comment, referring to a dispute about whether the account holder is entitled to a certain amount, has been deleted as unnecessary.

#### Section 205.3—Coverage

##### 3(b) Electronic Fund Transfer

The EFTA excludes from coverage any transaction “originated by check, draft, or similar paper instrument.” 15 U.S.C. 1693a. The proposed rule addressed the coverage of electronic check conversion transactions based on several pilots introduced by NACHA and others. In such transactions, the merchant obtains information from a

consumer’s check at POS to initiate a one-time ACH debit from the consumer’s account. The merchant electronically scans and captures the MICR (Magnetic Ink Character Recognition) encoding on the check for the routing, account, and serial numbers, and enters the amount to be debited from the consumer’s account.

Under the Board’s proposal, an EFT resulting from the “consumer-as-keeper” program would be covered by the regulation. Likewise, an EFT resulting from the “financial institution-as-keeper” program would be covered by Regulation E where the consumer provides a blank or partially completed check as a source document. Where the check is completed and signed by the consumer and retained by the merchant, the transaction arguably could be viewed as originating by check. Therefore, the supplementary information to the proposal stated that the transaction would be an EFT (and thus covered by Regulation E) only if the consumer authorized it as such. Finally, under the proposal, transfers resulting from the “lockbox” program would have been excluded from coverage as having originated by check. (See discussion under “Electronic check conversion” in Section II.)

The majority of commenters believed that Regulation E should cover check conversion transactions under the “consumer-as-keeper” program, but disagreed with coverage of these transactions under the “financial institution-as-keeper” program. Some commenters believed that consumers would be confused because they would be providing a check to the merchant and at the same time authorizing the transaction as an EFT. Some commenters suggested that the rules should not be based on the characteristics of the various programs; instead, the Board should establish a bright-line test that provides certainty and consistency.

Regarding the authorization requirement, some commenters believed the Board was imposing a written authorization requirement for transactions under the financial institution-as-keeper model. The supplementary information to the proposed rule stated that where a consumer provides a completed and signed check, a transfer under this model would be an EFT if the consumer “authorizes it as such.” Other commenters expressed concern about the inconsistent treatment of transfers under the “financial institution-as-keeper” program (which would generally be covered by Regulation E under the proposal) and those resulting

from “lockbox” transactions (which would not be covered).

The Board is adopting an interpretation based on a consumer’s authorization of a transaction as an EFT to clarify the rights, liabilities, and responsibilities of participants in check conversion programs. Under this approach, Regulation E coverage does not depend on the characteristics of a particular program.

The final rule provides that where a consumer authorizes the use of a check for initiating an EFT, the transaction is not deemed to be originated by check. The transaction is covered by Regulation E. Comment 3(b)–1(v), as adopted, makes clear that the rule applies whether the check is blank, partially completed, or fully completed and signed; whether it is presented at POS or mailed to a merchant or lockbox and later converted to an EFT; or whether it is retained by the consumer or the merchant (or the merchant’s financial institution).

The proposed rule was not intended to require a separate written authorization for electronic check conversion transactions. (Under the EFTA and § 205.10(b) of Regulation E, written authorization is required only for recurring transfers.) Section 205.3 of Regulation E provides that the regulation applies to “any electronic fund transfer that authorizes a financial institution to debit or credit a consumer’s account.” A merchant or other payee offering the check conversion services discussed above is providing an EFT service, and therefore should obtain the consumer’s authorization to initiate an EFT. In the context of check conversion, authorization takes place if the consumer engages in the transaction after receiving notice that the transaction will be treated as an EFT. New comment 3(b)–3 is added to provide this guidance. (NACHA Operating Rules currently provide greater consumer protections in that they require written authorizations even for one-time conversion transactions.)

Section 904(d)(1) of the EFTA provides that “[i]f electronic fund transfer services are made available to consumers by a person other than a financial institution holding a consumer’s account, the Board shall by regulation assure that the disclosures, protections, responsibilities, and remedies created by [the EFTA] are made applicable to such persons and services.” While the Board did not propose to amend the regulation at this time to require compliance by merchants or other payees with the Regulation E authorization requirement,

the Board fully expects them to obtain a consumer's authorization to initiate an EFT from the consumer's account. If, however, the Board becomes aware that authorizations are not being obtained in connection with check conversion transactions, the Board will consider exercising its authority under § 904 to require compliance by the merchants or other payees. (Also see discussion under "2(h) Electronic Terminal" regarding compliance with terminal-receipt requirements.)

Comment 3(b)–1(vi) is added, with some modifications from the proposal, to provide guidance on the regulation's coverage of bill-payment services where a consumer initiates payments via computer (or other electronic means). Generally, the definition of "electronic fund transfer" in § 205.3(b) covers these payments. The comment as proposed would result in total exemption or total coverage of a bill-payment service. Commenters supported the proposal with some requests for modification. They suggested an approach that would only exclude payments to particular payees made solely by check. The comment has been revised to provide that computer-initiated payments are covered by the regulation unless the service agreement explicitly states that all payments, or all payments to identified payees, will be made solely by check, draft or similar paper instrument drawn on the consumer's account.

### 3(c) Exclusions From Coverage

#### 3(c)(1)—Checks

Comment 3(c)(1)–1 provides guidance on NACHA's re-presented check entry (RCK) program, in which merchant payees (or their financial institutions or agents) re-present returned checks electronically. Written authorization from the consumer for the RCK debit is not obtained, although the merchant payee usually has provided notice at POS that any returned item may be collected electronically if returned for insufficient funds. The comment clarifies that an RCK transaction is not covered by Regulation E because the transaction was originated by check.

In some cases, a payee may impose a fee on the consumer because the consumer's check was returned. NACHA rules provide that the RCK debit must be in the amount of the original check; therefore, the amount may not be increased to include a fee. The payee would have to initiate a separate debit to collect the fee electronically. Because an electronically debited fee meets the definition of an EFT under Regulation E, it is covered by

the regulation and must be authorized (in this case, by notice to the consumer).

Most commenters agreed with the proposed rule excluding coverage of the RCK. A number of commenters disagreed with the proposal to cover any additional fee debited electronically from the consumer's account. Since the fee is based on the original transaction, these commenters believe the fee is likewise covered by the Uniform Commercial Code (UCC), which permits incidental damage fees.

The Board views, as separate transactions, the RCK and any fee assessed and debited from the consumer's account as a result of insufficient funds, whether or not the fee is permitted by the UCC to cover incidental damages. Authorization is required to electronically debit the fee from the consumer's account, but because the transfer is nonrecurring, notice to the consumer is sufficient for purposes of compliance with the regulation. (NACHA Operating Rules currently provide greater consumer protections in that they require written authorizations.)

Comment 3(c)(1)–2 is added as proposed to cross reference comment 3(b)–1(v), which provides guidance on the regulation's coverage of an EFT where a consumer's check is used to capture information for initiating the transfer.

#### 3(c)(6)—Telephone-Initiated Transfers

A transfer initiated by telephone is covered by Regulation E if it occurs pursuant to a telephone bill-payment or other written plan that contemplates that the consumer will initiate transfers from time to time. Comment 3(c)(6)–1 is revised, as proposed, to provide additional guidance on what constitutes a written plan. Comment 3(c)(6)–2(v) is added, as proposed, to clarify coverage of transfers initiated by audio- or voice-response telephone systems.

### Section 205.6—Liability of Consumer for Unauthorized Transfers

#### 6(b) Limitations on Amount of Liability

##### 6(b)(1)—Timely Notice Given

Section 205.6 provides rules concerning a consumer's liability for an unauthorized transfer. The limitation on the consumer's liability depends, in part, on whether the unauthorized transfer takes place within or after two business days of the consumer's learning of the loss or theft of the access device. Comment 6(b)(1)–3 is added to clarify how to count the two-business-day period. The comment has been modified from the proposal to provide further clarity.

Most commenters generally supported the addition of the comment. A number of commenters expressed concern that use of the term "midnight" made the proposed comment unclear, and suggested alternative language. To avoid confusion, the reference to "midnight" has been deleted and the comment reworded.

### Section 205.7—Initial Disclosures

#### 7(a) Timing of Disclosures

Regulation E generally requires that disclosures be provided at the time the consumer contracts for an EFT service or before the first transfer is made to or from the consumer's account. Comment 7(a)–2 is revised, as proposed, to provide an exception to the disclosure timing rules when the consumer has authorized a third party to debit or credit the consumer's account, on either a one-time or recurring basis, and the institution has not received prior notice of the transfer. In these circumstances, the institution must provide the Regulation E disclosures as soon as reasonably possible after the first transfer. Before this revision, comment 7(a)–2 provided this disclosure timing exception only for direct deposits. Most commenters who addressed this issue supported the proposed revision and the regulatory relief provided.

#### 7(b) Content of Disclosures

##### 7(b)(10) Error Resolution

Under § 205.7, a financial institution must provide an error resolution notice with the initial disclosures, and under § 205.8, must also do so annually or with each periodic statement. Under comment 7(b)(10)–2, a financial institution must have disclosed in its initial disclosures the longer error resolution time periods (applicable to foreign-initiated and POS debit card transactions) for resolving errors under § 205.11(c)(3) in order to use the longer periods. In 1998, § 205.11(c)(3) was amended to extend the error resolution time periods for new accounts (63 FR 52115, September 29, 1998). Comment 7(b)(10)–2 is revised as proposed to reflect the amendment to § 205.11(c)(3).

Section 205.11(c)(3) treats an account as a new account for a period of 30 days after the first deposit to the account is made. In the September 1998 amendment, the Board explained that, to provide consistency and ease regulatory compliance, the rule tracked the definition of "new account" in Regulation CC (Availability of Funds and Collection of Checks, 12 CFR 229.13(a)(2)), including the staff commentary to Regulation CC. Thus, for example, an account is not considered

a new account if a customer has had another account relationship with the financial institution for at least 30 calendar days. To clarify this point, a cross-reference to the Regulation CC definition of "new account" has been added to comment 7(b)(10)-2.

An update to the error resolution model forms in Appendix A, paragraph A-3 (to reflect the extended time periods applicable to foreign-initiated transactions, POS debit card transactions, and new accounts) is pending. In September 1999, the Board proposed amendments to the model forms along with other proposed Regulation E amendments on the electronic delivery of disclosures (64 FR 49699, September 14, 1999). The Board is expected to consider final action on the amendments in the near future.

#### *Section 205.8—Change-in-Terms Notice; Error Resolution Notice*

##### 8(b) Error Resolution Notice

The Board proposed to add new comment 8(b)-2 to cross-reference comment 7(b)(10)-2, which states that, with regard to the initial error resolution notice, an institution seeking to use the longer error resolution time periods in § 205.11(c)(3) must have disclosed them.

A few commenters agreed with the requirement to disclose the longer time periods for new accounts in the initial error resolution notice, but questioned whether disclosure in the annual notice would serve a useful purpose. These commenters noted that in practice, it is unlikely that an account would still qualify as new when the annual notice is provided.

An annual error resolution notice need not contain a reference to the longer time periods for new accounts, and the final comment has been revised accordingly. (The notice must refer, however, to the longer time periods for foreign-initiated and POS debit card transactions if the institution wishes to take advantage of these extended periods.) In addition, the final comment is revised to reflect that disclosure of the longer time periods for new accounts is not required in the error resolution notice that may be provided with each periodic statement as an alternative to the annual error resolution notice.

#### *Section 205.9—Receipts at Electronic Terminals; Periodic Statements*

##### 9(a) Receipts at Electronic Terminals

##### 9(a)(5)—Terminal Location

Section 205.9(a)(5) requires that an ATM or POS terminal receipt contain the location of the terminal where the transfer is initiated, or an identification

such as a code or terminal number. Comment 9(a)(5)-1 is revised, as proposed, to clarify that either a code or location may be disclosed. Comments 9(a)(5)(iv)-1 and -2 are redesignated as comments 9(a)(5)-3 and -4.

##### 9(b) Periodic Statements

Comment 9(b)-4 currently provides that an institution may permit, but not require, consumers to "call for" periodic statements. The Board proposed to change the reference "call for" to "pick up." The comment is adopted as proposed.

##### 9(c) Exceptions to the Periodic Statement Requirements for Certain Accounts

##### 9(c)(1)—Preauthorized Transfers to Accounts

Section 205.9(c) lists the circumstances in which a periodic statement for EFT transactions is not required (or is not required to be provided monthly). Comment 9(c)(1)-1 is added as proposed to provide further guidance on the exceptions to the periodic statement requirements.

Comment 9(c)(1)-2 is added as proposed to clarify that the exceptions in § 205.9(c) apply despite the occurrence of reversals of deposits made in error. (See also comment 2(m)-5.)

#### *Section 205.10—Preauthorized Transfers*

##### 10(b) Written Authorization for Preauthorized Transfers From Consumer's Account

Section 205.10(b) provides that recurring electronic debits from a consumer's account "may be authorized only by a writing signed or similarly authenticated by the consumer." The phrase "similarly authenticated" was added in 1996 (61 FR 19678, May 2, 1996), and was intended to permit electronic authorizations; comment 10(b)-5 was added to the staff commentary to provide guidance. Since that time, the issues of electronic authorization and authentication methods have been further addressed in Regulation E rulemakings published in March 1998 (63 FR 14528, March 25, 1998) and September 1999 (64 FR 49699, September 14, 1999), and commenters have made suggestions and sought further guidance. In addition, the Electronic Signatures in Global and National Commerce Act, 15 U.S.C 7001 *et seq.*, (the E-Sign Act) addresses, among other things, the use and acceptance of electronic signatures for electronic commerce in general.

The Board proposed to revise comment 10(b)-5 to clarify that

institutions have flexibility in establishing electronic authentication methods. Under the proposal, any authentication mechanism that provides assurance similar to a paper-based signature (such as a mechanism that verified the consumer's identity and evidenced the consumer's assent to the authorization) would satisfy the "similarly authenticated" standard. Also, for consistency with Board rulemakings permitting the electronic delivery of disclosures, the comment would be revised to permit the person obtaining the authorization to provide a copy of the authorization to the consumer either in paper form or electronically (the existing comment requires that a paper copy be provided).

Most commenters addressing this issue supported the proposed revision. Several commenters were concerned, however, that the comment could be interpreted to impose requirements on electronic authorizations that exceed those set forth in the E-Sign Act. Accordingly, they urged that the Board delete the comment or modify it for consistency with the E-Sign Act. Comment 10(b)-5 was not intended to impose stricter requirements than the E-Sign Act; rather the comment was intended to provide guidance so that a payee obtaining a consumer's authorization for recurring debits can be assured of compliance with § 205.10(b).

The final comment has been modified to ensure consistency with the requirements of the E-Sign Act. First, the introductory sentence has been deleted as no longer necessary. It has been replaced with guidance on the "similarly authenticated" standard. Second, references to the definition of an electronic record and an electronic signature in the E-Sign Act have been added. Third, the authorization standard has been clarified to state that the process should evidence the consumer's identity and assent to the authorization. Fourth, the language discussing the requirement to provide a copy of the authorization to the consumer has been revised to clarify that the copy may be either paper or electronic. Finally, the supplemental information to the proposed revision to comment 10(b)-5 stated that a security code used as the authentication method need not originate with the paying institution, if the code meets the general standards for "similar authentication." This interpretation has been incorporated into the text of the comment.

New comment 10(b)-7 is adopted as proposed. The comment addresses a situation where a consumer, by telephone or on-line, authorizes

recurring charges against an account, but where it may not be clear to the payee whether a credit card or debit card is involved. Unlike Regulation E, Regulation Z does not require a written, signed or "similarly authenticated" authorization for recurring charges to a consumer's credit card account. The comment clarifies that when recurring charges in fact involve a debit card, the payee is required to obtain an authorization in accordance with § 205.10(b). The payee may rely on the bona fide error provision in section 915(c) of the EFTA, provided procedures are in place to prevent such errors from occurring.

Some commenters believed that the standards set forth in the comment would be burdensome. They suggested that the comment not be adopted, or that the final comment omit the conditions that the failure to obtain written authorization be unintentional and that reasonable procedures be maintained to avoid such an error. The requirement to obtain written authorization for recurring electronic debits is statutory, as are the conditions concerning unintentional failure and reasonable procedures. Therefore, the comment is adopted as proposed.

Where the authorization occurs online, payees have the option to ensure compliance by obtaining electronic authorizations in all cases, following the procedures set forth in comment 10(b)–5 or in the E-Sign Act.

Some commenters requested guidance on what procedures should be used to avoid errors regarding the type of card used by a consumer to authorize recurring charges. To ensure flexibility in this area, however, as other commenters urged, the comment as finally adopted does not specify any particular procedures.

#### 10(e) Compulsory Use

#### 10(e)(2)—Employment or Government Benefit

Section 205.10(e)(2) provides that a financial institution may not require a consumer to establish an account for receipt of EFTs with a particular institution as a condition of employment. Comment 10(e)(2)–1 is revised as proposed to clarify that an employer (including a financial institution) may provide for having employees' salary deposited at a particular institution designated by the employer, if employees are given the option to receive their salary by check or cash. Commenters generally supported the revision.

#### Section 205.11—Procedures for Resolving Errors

##### 11(a)—Definition of Error

Section 205.11 sets forth procedures for resolving errors. In defining "error" and the types of transfers or inquiries covered, the regulation also sets forth types of inquiries that are not covered. § 205.11(a)(2). Existing comment 11(a)–2 provides that if a consumer merely calls to verify whether a deposit (made via ATM, preauthorized transfer, or other electronic means) was credited, without asserting an error, the error resolution procedures are not triggered.

Under the proposal, comment 11(a)–2 was broadened to provide that consumer inquiries to verify account payments, as well as account deposits, without the assertion of any error, would not trigger the error resolution procedures. Commenters generally supported the proposed revision. In response to comments, the proposed phrase "if the consumer calls" has been replaced by "if the consumer contacts," to reflect that these routine consumer inquiries are not limited to telephone inquiries; and the comment adopted clarifies that an inquiry about a "payment" includes an inquiry about other EFTs debited to the account.

#### Section 205.12—Relation to Other Laws

##### 12(a) Relation to Truth in Lending

Comment 12(a)–1 is revised as proposed to distinguish between two types of unauthorized transfers: those where a consumer's access device is used to withdraw funds from a checking account with an overdraft protection feature, and those where the consumer's access device is also a credit card separately used to obtain cash advances. Examples illustrate how these rules apply in various situations. The majority of commenters addressing this subject supported the proposed revision.

#### List of Subjects in 12 CFR Part 205

Consumer protection, Electronic fund transfers, Federal Reserve System, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Board amends the Official Staff Commentary, 12 CFR part 205, as set forth below.

#### PART 205—ELECTRONIC FUND TRANSFERS (REGULATION E)

1. The authority citation for part 205 is revised to read as follows:

**Authority:** 15 U.S.C. 1693b.

2. In Supplement I to Part 205, the following amendments are made:

a. Under *Section 205.2—Definitions*, under *2(a) Access Device*, a new paragraph 2. is added;

b. Under *Section 205.2—Definitions*, under *2(h) Electronic Terminal*, paragraph 2. is revised;

c. Under *Section 205.2—Definitions*, a new heading *2(k) Preauthorized Electronic Fund Transfer*, and a new paragraph 1. are added;

d. Under *Section 205.2—Definitions*, under *2(m) Unauthorized Electronic Fund Transfer*, a new paragraph 5. is added;

e. Under *Section 205.3—Coverage*, under *3(b) Electronic Fund Transfer*, new paragraphs 1.v., 1.vi., and 3. are added;

f. Under *Section 205.3—Coverage*, under *3(c) Exclusions from Coverage*, a new heading "Paragraph 3(c)(1)—Checks" is added;

g. Under *Section 205.3—Coverage*, under *3(c) Exclusions from Coverage*, under newly added heading Paragraph 3(c)(1)—Checks, paragraphs 1. and 2. are added;

h. Under *Section 205.3—Coverage*, under *3(c) Exclusions from Coverage*, under Paragraph 3(c)(6)—Telephone—Initiated Transfers, paragraph 1. is revised and paragraph 2.v. is added;

i. Under *Section 205.6—Liability Of Consumer For Unauthorized Transfers*, under *Paragraph 6(b)(1)—Timely Notice Given*, new paragraph 3. is added;

j. Under *Section 205.7—Initial Disclosures*, under *7(a) Timing of Disclosures*, paragraph 2. is revised;

k. Under *Section 205.7—Initial Disclosures*, under Paragraph 7(b)(10) Error Resolution, paragraph 2. is revised;

l. Under *Section 205.8—Change-In-Terms Notice; Error Resolution Notice*, under *8(b) Error Resolution Notice*, a new paragraph 2. is added;

m. Under *Section 205.9—Receipts At Electronic Terminals; Periodic Statements*, under Paragraph 9(a)(5)—Terminal Location, paragraph 1. is revised;

n. Under *Section 205.9—Receipts At Electronic Terminals; Periodic Statements*, under Paragraph 9(a)(5)(iv), paragraphs 1. and 2. are redesignated as paragraphs 3. and 4. under paragraph 9(a)(5) and republished;

o. Under *Section 205.9—Receipts At Electronic Terminals; Periodic Statements*, Paragraph 9(a)(5)(iv) is removed;

p. Under *Section 205.9—Receipts At Electronic Terminals; Periodic Statements*, under *9(b) Periodic Statements*, paragraph 4. is revised;

q. Under *Section 205.9—Receipts At Electronic Terminals; Periodic*

*Statements*, under 9(c) *Exceptions to the Periodic Statement Requirements for Certain Accounts*, a new heading, Paragraph 9(c)(1)—*Preauthorized Transfers to Accounts* is added and new paragraphs 1. and 2. are added to the newly designated heading;

r. Under Section 205.10—

*Preauthorized Transfers*, under 10(b) *Written Authorization for Preauthorized Transfers from Consumer's Account*, paragraph 5. is revised, and new paragraph 7. is added;

s. Under Section 205.10—

*Preauthorized Transfers*, under Paragraph 10(e)(2)—*Employment or Government Benefit*, paragraph 1. is revised;

t. Under Section 205.11—*Procedures For Resolving Errors*, under 11(a) *Definition of Error*, paragraph 2. is revised; and

u. Under Section 205.12—*Relation To Other Laws*, under 12(a) *Relation to Truth in Lending*, paragraph 1. is revised.

## SUPPLEMENT I TO PART 205— OFFICIAL STAFF INTERPRETATIONS

### Section 205.2—Definitions

#### 2(a) Access Device

\* \* \* \* \*

2. *Checks used to capture information.* The term "access device" does not include a check or draft used to capture the MICR (Magnetic Ink Character Recognition) encoding to initiate a one-time ACH debit. For example, if a consumer authorizes a one-time ACH debit from the consumer's account using a blank, partially completed, or fully completed and signed check for the merchant to capture the routing, account, and serial numbers to initiate the debit, the check is not an access device. (Although the check is not an access device under Regulation E, the transaction is nonetheless covered by the regulation. See comment 3(b)–1(v).)

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#### 2(h) Electronic Terminal

\* \* \* \* \*

2. *POS terminals.* A POS terminal that captures data electronically, for debiting or crediting to a consumer's asset account, is an electronic terminal for purposes of Regulation E even if no access device is used to initiate the transaction. (See § 205.9 for receipt requirements.)

\* \* \* \* \*

#### 2(k) Preauthorized Electronic Fund Transfer

1. *Advance authorization.* A "preauthorized electronic fund transfer" under Regulation E is one authorized by the consumer in advance of a transfer that will take place on a recurring basis, at substantially regular intervals, and will require no further action by the consumer to initiate the transfer. In a bill-payment system, for example, if the consumer authorizes a financial institution to make monthly payments to a payee by means of EFTs, and

the payments take place without further action by the consumer, the payments are preauthorized EFTs. In contrast, if the consumer must take action each month to initiate a payment (such as by entering instructions on a touch-tone telephone or home computer), the payments are not preauthorized EFTs.

\* \* \* \* \*

#### 2(m) Unauthorized Electronic Fund Transfer

\* \* \* \* \*

5. *Reversal of direct deposits.* The reversal of a direct deposit made in error is not an unauthorized EFT when it involves:

- A credit made to the wrong consumer's account;
- A duplicate credit made to a consumer's account; or
- A credit in the wrong amount (for example, when the amount credited to the consumer's account differs from the amount in the transmittal instructions).

\* \* \* \* \*

#### Section 205.3—Coverage

\* \* \* \* \*

#### 3(b) Electronic Fund Transfer

##### 1. Fund transfers covered. \* \* \*

v. A transfer via ACH where a consumer has provided a check to enable the merchant or other payee to capture the routing, account, and serial numbers to initiate the transfer, whether the check is blank, partially completed, or fully completed and signed; whether the check is presented at POS or is mailed to a merchant or other payee or lockbox and later converted to an EFT; or whether the check is retained by the consumer, the merchant or other payee, or the payee's financial institution.

vi. A payment made by a bill payer under a bill-payment service available to a consumer via computer or other electronic means, unless the terms of the bill-payment service explicitly state that all payments, or all payments to a particular payee or payees, will be solely by check, draft, or similar paper instrument drawn on the consumer's account, and the payee or payees that will be paid in this manner are identified to the consumer.

\* \* \* \* \*

3. *Authorization of one-time EFT initiated using MICR encoding on a check.* A consumer authorizes a one-time EFT (in providing a check to a merchant or other payee for the MICR encoding), where the consumer receives notice that the transaction will be processed as an EFT and completes the transaction. Examples of notice include, but are not limited to, signage at POS and written statements.

\* \* \* \* \*

#### 3(c) Exclusions From Coverage

##### Paragraph 3(c)(1)—Checks

1. *Re-presented checks.* The electronic representation of a returned check is not covered by Regulation E because the transaction originated by check. Regulation E does apply, however, to any fee authorized by the consumer to be debited electronically from the consumer's account because the

check was returned for insufficient funds. Authorization occurs where the consumer has received notice that a fee imposed for returned checks will be debited electronically from the consumer's account.

2. *Check used to capture information for a one-time EFT.* See comment 3(b)–1(v).

\* \* \* \* \*

#### Paragraph 3(c)(6)—Telephone-Initiated Transfers

1. *Written plan or agreement.* A transfer that the consumer initiates by telephone is covered by Regulation E if the transfer is made under a written plan or agreement between the consumer and the financial institution making the transfer. A written statement available to the public or to account holders that describes a service allowing a consumer to initiate transfers by telephone constitutes a plan—for example, a brochure, or material included with periodic statements. The following, however, do not by themselves constitute a written plan or agreement:

- A hold-harmless agreement on a signature card that protects the institution if the consumer requests a transfer.
- A legend on a signature card, periodic statement, or passbook that limits the number of telephone-initiated transfers the consumer can make from a savings account because of reserve requirements under Regulation D (12 CFR part 204).
- An agreement permitting the consumer to approve by telephone the rollover of funds at the maturity of an instrument.

2. *Examples of covered transfers. \* \* \**  
v. The consumer initiates the transfer using a financial institution's audio-response or voice-response telephone system.

\* \* \* \* \*

#### Section 205.6—Liability of Consumer for Unauthorized Transfers

\* \* \* \* \*

#### 6(b) Limitations on Amount of Liability

\* \* \* \* \*

##### Paragraph 6(b)(1)—Timely Notice Given

\* \* \* \* \*

3. *Two-business-day rule.* The two-business-day period does not include the day the consumer learns of the loss or theft or any day that is not a business day. The rule is calculated based on two 24-hour periods, without regard to the financial institution's business hours or the time of day that the consumer learns of the loss or theft. For example, a consumer learns of the loss or theft at 6 p.m. on Friday. Assuming that Saturday is a business day and Sunday is not, the two-business-day period begins on Saturday and expires at 11:59 p.m. on Monday, not at the end of the financial institution's business day on Monday.

\* \* \* \* \*

#### Section 205.7—Initial Disclosures

##### 7(a) Timing of Disclosures

\* \* \* \* \*

2. *Lack of advance notice of a transfer.* Where a consumer authorizes a third party to debit or credit the consumer's account, an account-holding institution that has not

received advance notice of the transfer or transfers must provide the required disclosures as soon as reasonably possible after the first debit or credit is made, unless the institution has previously given the disclosures.

\* \* \* \* \*

#### Paragraph 7(b)(10)—Error Resolution

\* \* \* \* \*

2. *Extended time-period for certain transactions.* To take advantage of the longer time periods for resolving errors under § 205.11(c)(3) (for new accounts as defined in Regulation CC (12 CFR part 229), transfers initiated outside the United States, or transfers resulting from POS debit-card transactions), a financial institution must have disclosed these longer time periods. Similarly, an institution that relies on the exception from provisional crediting in § 205.11(c)(2) for accounts subject to Regulation T (12 CFR part 220) must have disclosed accordingly.

#### Section 205.8—Change-in-Terms Notice; Error Resolution Notice

\* \* \* \* \*

#### 8(b) Error Resolution Notice

\* \* \* \* \*

2. *Exception for new accounts.* For new accounts, disclosure of the longer error resolution time periods under § 205.11(c)(3) is not required in the annual error resolution notice or in the notice that may be provided with each periodic statement as an alternative to the annual notice.

#### Section 205.9—Receipts at Electronic Terminals; Periodic Statements

##### 9(a) Receipts at Electronic Terminals

\* \* \* \* \*

#### Paragraph 9(a)(5)—Terminal Location

1. *Options for identifying terminal.* The institution may provide either:

- i. The city, state or foreign country, and the information in §§ 205.9(a)(5) (i), (ii), or (iii), or
- ii. A number or a code identifying the terminal. If the institution chooses the second option, the code or terminal number identifying the terminal where the transfer is initiated may be given as part of a transaction code.

\* \* \* \* \*

3. *Omission of state.* The state may be omitted from the location information on the receipt if:

- i. All the terminals owned or operated by the financial institution providing the statement (or by the system in which it participates) are located in that state, or
- ii. All transfers occur at terminals located within 50 miles of the financial institution's main office.

4. *Omission of city and state.* The city and state may be omitted if all the terminals owned or operated by the financial institution providing the statement (or by the system in which it participates) are located in the same city.

\* \* \* \* \*

#### 9(b) Periodic Statements

\* \* \* \* \*

4. *Statement pickup.* A financial institution may permit, but may not require, consumers to pick up their periodic statements at the financial institution.

\* \* \* \* \*

#### 9(c) Exceptions to the Periodic Statement Requirements for Certain Accounts

\* \* \* \* \*

#### Paragraph 9(c)(1)—Preauthorized Transfers to Accounts

1. *Accounts that may be accessed only by preauthorized transfers to the account.* The exception for “accounts that may be accessed only by preauthorized transfers to the account” includes accounts that can be accessed by means other than EFTs, such as checks. If, however, an account may be accessed by any EFT other than preauthorized credits to the account, such as preauthorized debits or ATM transactions, the account does not qualify for the exception.

2. *Reversal of direct deposits.* For direct-deposit-only accounts, a financial institution must send a periodic statement at least quarterly. A reversal of a direct deposit to correct an error does not trigger the monthly statement requirement when the error represented a credit to the wrong consumer's account, a duplicate credit, or a credit in the wrong amount. (See also comment 2(m)–5.)

\* \* \* \* \*

#### Section 205.10—Preauthorized Transfers

\* \* \* \* \*

#### 10(b) Written Authorization for Preauthorized Transfers From Consumer's Account

\* \* \* \* \*

5. *Similarly authenticated.* The similarly authenticated standard permits signed, written authorizations to be provided electronically. The writing and signature requirements of this section are satisfied by complying with the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. 7001 *et seq.*, which defines electronic records and electronic signatures. Examples of electronic signatures include, but are not limited to, digital signatures and security codes. A security code need not originate with the account-holding institution. The authorization process should evidence the consumer's identity and assent to the authorization. The person that obtains the authorization must provide a copy of the terms of the authorization to the consumer either electronically or in paper form. Only the consumer may authorize the transfer and not, for example, a third-party merchant on behalf of the consumer.

\* \* \* \* \*

7. *Bona fide error.* Consumers sometimes authorize third-party payees, by telephone or on-line, to submit recurring charges against a credit card account. If the consumer indicates use of a credit card account when in fact a debit card is being used, the payee does not violate the requirement to obtain a written authorization if the failure to obtain written authorization was not intentional and resulted from a bona fide error, and if the payee maintains procedures reasonably

adapted to avoid any such error. If the payee is unable to determine, at the time of the authorization, whether a credit or debit card number is involved, and later finds that the card used is a debit card, the payee must obtain a written and signed or (where appropriate) a similarly authenticated authorization as soon as reasonably possible, or cease debiting the consumer's account.

\* \* \* \* \*

#### 10(e) Compulsory Use

\* \* \* \* \*

#### Paragraph 10(e)(2)—Employment or Government Benefit

1. *Payroll.* An employer (including a financial institution) may not require its employees to receive their salary by direct deposit to any particular institution. An employer may require direct deposit of salary by electronic means if employees are allowed to choose the institution that will receive the direct deposit. Alternatively, an employer may give employees the choice of having their salary deposited at a particular institution (designated by the employer) or receiving their salary by another means, such as by check or cash.

#### Section 205.11—Procedures for Resolving Errors

##### 11(a) Definition of Error

\* \* \* \* \*

2. *Verifying an account debit or credit.* If the consumer contacts the financial institution to ascertain whether a payment (for example, in a home-banking or bill-payment program) or any other type of EFT was debited to the account, or whether a deposit made via ATM, preauthorized transfer, or any other type of EFT was credited to the account, without asserting an error, the error resolution procedures do not apply.

\* \* \* \* \*

#### Section 205.12—Relation to Other Laws

##### 12(a) Relation to Truth in Lending

1. *Determining applicable regulation.* i. For transactions involving access devices that also function as credit cards, whether Regulation E or Regulation Z (12 CFR part 226) applies depends on the nature of the transaction. For example, if the transaction solely involves an extension of credit, and does not include a debit to a checking account (or other consumer asset account), the liability limitations and error resolution requirements of Regulation Z apply. If the transaction debits a checking account only (with no credit extended), the provisions of Regulation E apply. If the transaction debits a checking account but also draws on an overdraft line of credit attached to the account, Regulation E's liability limitations apply, in addition to §§ 226.13 (d) and (g) of Regulation Z (which apply because of the extension of credit associated with the overdraft feature on the checking account). If a consumer's access device is also a credit card and the device is used to make unauthorized withdrawals from a checking account, but also is used to obtain unauthorized cash advances directly from a line of credit that is separate from the



checking account, both Regulation E and Regulation Z apply.

ii. The following examples illustrate these principles:

A. A consumer has a card that can be used either as a credit card or a debit card. When used as a debit card, the card draws on the consumer's checking account. When used as a credit card, the card draws only on a separate line of credit. If the card is stolen and used as a credit card to make purchases or to get cash advances at an ATM from the line of credit, the liability limits and error resolution provisions of Regulation Z apply; Regulation E does not apply.

B. In the same situation, if the card is stolen and is used as a debit card to make purchases or to get cash withdrawals at an ATM from the checking account, the liability limits and error resolution provisions of Regulation E apply; Regulation Z does not apply.

C. In the same situation, assume the card is stolen and used both as a debit card and as a credit card; for example, the thief makes some purchases using the card as a debit card, and other purchases using the card as a credit card. Here, the liability limits and error resolution provisions of Regulation E apply to the unauthorized transactions in which the card was used as a debit card, and the corresponding provisions of Regulation Z apply to the unauthorized transactions in which the card was used as a credit card.

D. Assume a somewhat different type of card, one that draws on the consumer's checking account and can also draw on an overdraft line of credit attached to the checking account. There is no separate line of credit, only the overdraft line, associated with the card. In this situation, if the card is stolen and used, the liability limits and the error resolution provisions of Regulation E apply. In addition, if the use of the card has resulted in accessing the overdraft line of credit, the error resolution provisions of § 226.13(d) and (g) of Regulation Z also apply, but not the other error resolution provisions of Regulation Z.

\* \* \* \* \*

By order of the Board of Governors of the Federal Reserve System, acting through the Director of the Division of Consumer and Community Affairs under delegated authority, March 12, 2001.

**Jennifer J. Johnson,**

*Secretary of the Board.*

[FR Doc. 01-6560 Filed 3-15-01; 8:45 am]

**BILLING CODE 6210-01-P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

[TX-126-2-7486; FRL-6952-9]

#### Approval and Promulgation of Implementation Plans; Texas; Electric Generating Facilities; and Major Stationary Sources of Nitrogen Oxides for the Dallas/Fort Worth Ozone Nonattainment Area

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The EPA is approving revisions to the Texas State Implementation Plan (SIP). The revisions concern two separate actions. First, we are approving revisions to the Texas Nitrogen Oxides (NO<sub>x</sub>) rules for electric generating facilities in East and Central Texas. These new limits for electric generating facilities in East and Central Texas will contribute to attainment of the 1-hour ozone National Ambient Air Quality Standard (NAAQS) in the Houston/Galveston (H/GA), Dallas/Fort Worth (D/FW), and Beaumont/Port Arthur (B/PA) 1-hour ozone nonattainment areas. They will also contribute to continued maintenance of the standard in the eastern half of Texas and will strengthen the existing Texas SIP. Second, we are approving revisions to the Texas NO<sub>x</sub> rules for major stationary sources in the D/FW 1-hour ozone nonattainment area. These new limits for stationary sources will contribute to attainment of the 1-hour ozone standard in the D/FW nonattainment area. The EPA is approving these revisions to regulate emissions of NO<sub>x</sub> as meeting the requirements of the Federal Clean Air Act (the Act).

**EFFECTIVE DATE:** This rule is effective on April 16, 2001.

**ADDRESSES:** Copies of documents relevant to this action are available for public inspection during normal business hours at the following locations. Anyone wanting to examine these documents should make an appointment with the appropriate office at least two working days in advance.

Environmental Protection Agency, Region 6, 1445 Ross Avenue, Suite 700, Dallas, Texas 75202-2733.

Texas Natural Resource Conservation Commission, Office of Air Quality, 12124 Park 35 Circle, Austin, Texas 78753.

#### FOR FURTHER INFORMATION CONTACT:

Brooke Ivener, Air Planning Section (6PD), EPA Region 6, 1445 Ross Avenue,

Dallas, Texas 75202-2733, telephone (214) 665-7362.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

1. What Are We Approving?
2. What Does the SIP Revision for Electric Generating Facilities in East and Central Texas Say?
3. What Does the SIP Revision for Major Stationary Sources in the D/FW Area Say?
4. What Are NO<sub>x</sub>?
5. What Is a Nonattainment Area?
6. What Are Definitions of Major Sources for NO<sub>x</sub>?
7. What Is a State Implementation Plan?
8. What Is the Federal Approval Process for a SIP?
9. What Does Federal Approval of a SIP Mean to Me?
10. What Areas in Texas Will This Action Affect?

Throughout this document "we," "us," and "our" means EPA.

##### 1. What Are We Approving?

On October 31, 2000, the EPA proposed to approve three revisions to the Texas SIP rules for the control of air pollution from nitrogen compounds, submitted by the State on April 30, 2000 (65 FR 64914): (1) Revisions to NO<sub>x</sub> rules for electric generating facilities in East and Central Texas; (2) revisions to NO<sub>x</sub> rules for major stationary sources in the D/FW 1-hour ozone nonattainment area; and (3) revisions to NO<sub>x</sub> rules for cement kilns in East and Central Texas. Today, we are approving the revisions to the NO<sub>x</sub> rules for electric generating facilities in East and Central Texas and the revisions to the NO<sub>x</sub> rules for major stationary sources in the D/FW area as revisions to the Texas NO<sub>x</sub> SIP. We are finalizing our approval at this time on these two rule revisions because we received no comments on them during the public comment period. We are not taking action at this time on the NO<sub>x</sub> rules for cement kilns in East and Central Texas because we did receive comments on them. We will address these comments in a separate rulemaking.

Specifically, we are approving the following rule revisions with regards to utility electric generating facilities in East and Central Texas: New sections 117.131 concerning Applicability, 117.133 concerning Exemptions, 117.134 concerning Gas Fired Steam Generation, 117.135 concerning Emission Specification, 117.138 concerning System Cap, 117.141 concerning Initial Demonstration of Compliance, 117.143 concerning Continuous Demonstration of Compliance, 117.145 concerning Final Control Plan Procedures, 117.147 concerning Revision of Final Control



Plan, 117.149 concerning Notification, Recordkeeping, and Reporting Requirements, 117.512 concerning Compliance Schedule for Utility Electric Generation in East and Central Texas; and a revision to the existing SIP-approved section 117.10 concerning Definitions. We are approving these rule revisions under part D of the Act because Texas is relying on these NO<sub>x</sub> reductions to demonstrate attainment of the 1-hour ozone standard in the H/GA, B/PA, and D/FW 1-hour ozone nonattainment areas in the State of Texas. We are also approving these rule revisions under sections 110 and 116 of the Act because the State is relying upon the NO<sub>x</sub> reductions to show continued maintenance of the standard in the eastern half of the State and they strengthen the existing Texas SIP. With regard to NO<sub>x</sub> control measures for major stationary sources in the D/FW area, we are approving: Revised sections 117.104 concerning Gas-Fired Steam Generation, 117.106 concerning Emission Specifications for Attainment

Demonstrations, 117.108 concerning System Cap, 117.115 concerning Final Control Procedures for Reasonably Available Control Technologies, 117.116 concerning Final Control Plan Procedures for Attainment Demonstration Emission Specifications, 117.205 concerning Emission Specifications for Reasonably Available Control Technology by removing comments from the "explanation" field, 117.206 concerning Emission Specifications for Attainment Demonstrations, 117.216 concerning Final Control Plan Procedures for Attainment Demonstration Emission Specifications, 117.223 concerning Source Cap by correcting an inadvertent mistake made in the previous codification of the "explanation" field and correcting the reference from 117.223 (1)(B) to 117.223 (b)(1)(B), 117.510 concerning Compliance Schedule for Utility Electric Generation in Ozone Nonattainment Areas, 117.520 concerning Compliance Schedule for Industrial, Commercial, and

Institutional Combustion Sources in Ozone Nonattainment Areas, and 117.570 concerning Trading; and the repeal of existing SIP-approved sections 117.109 and 117.601 for the nonattainment areas. We are approving these D/FW NO<sub>x</sub> point source rule revisions under part D of the Act because Texas is relying on these NO<sub>x</sub> control measures for major stationary sources in the D/FW area to demonstrate attainment of the 1-hour ozone standard in the D/FW ozone nonattainment area.

*2. What Does the SIP Revision for Electric Generating Facilities in East and Central Texas Say?*

This revision requires reductions of NO<sub>x</sub> from electric utility power boilers and gas turbines in East and Central Texas. The following two tables contain a summary of the April 30, 2000, SIP revision for electric generating facilities and gas turbines in East and Central Texas.

TABLE I.—AFFECTED SOURCES AND NO<sub>x</sub> EMISSION SPECIFICATIONS FOR UTILITY POWER BOILERS AND GAS TURBINES IN EAST AND CENTRAL TEXAS

Source	NO <sub>x</sub> emission specification (lb/MMBtu)	Explanation
Electric power boilers .....	0.14	Gas fired, annual (calendar) average.
Electric power boilers .....	0.165	Coal fired, annual (calendar) average.
Stationary gas turbines .....	0.14	If subject to Texas Utility Commission (TUC), Section 39.264.
Stationary gas turbines .....	0.15	If not subject to TUC, Section 39.264, or 42 ppmv NO <sub>x</sub> adjusted to 15% oxygen on a dry basis as an alternate specification. If subject to Texas Senate Bill 7 of 1997, then 0.14 (lb/MMBtu).

TABLE II.—AFFECTED SOURCES AND THEIR COMPLIANCE SCHEDULES FOR UTILITY POWER BOILERS AND GAS TURBINES IN EAST AND CENTRAL TEXAS

Source	Compliance schedule
Electric generating units owned by utilities and subject to TUC 39.263(b) .....	May 1, 2003.
All other units .....	May 1, 2005.

We are approving the NO<sub>x</sub> emission specifications and compliance dates for electric generating facilities in East and Central Texas as a part of the Texas 1-hour ozone SIP under part D of the Act because the State is relying on the NO<sub>x</sub> control measures to demonstrate attainment of the 1-hour ozone standard in the H/GA, B/PA, and D/FW ozone nonattainment areas in the State of Texas. We are also approving these rules

under sections 110 and 116 because they contribute to continued maintenance of the standard in the eastern half of the State of Texas and they strengthen the existing Texas SIP.

*3. What Does the SIP Revision for Major Stationary Sources in the D/FW Area Say?*

This revision requires reductions in emissions of NO<sub>x</sub> from major stationary

sources operating in the D/FW ozone nonattainment area. The following three tables contain a summary of the April 30, 2000, SIP revision for major stationary sources operating in the D/FW ozone nonattainment area.

TABLE III.—AFFECTED SOURCES, EMISSION SPECIFICATIONS, AND LOCATIONS FOR MAJOR STATIONARY SOURCES IN THE D/FW OZONE NONATTAINMENT AREA

Source	Emission specification	Location
Gas fired boilers $\geq 40$ MMBtu, non-utility boilers .....	30 ppmv NO <sub>x</sub> at 3% O <sub>2</sub> dry basis .....	D/FW
Utility boilers—part of a large system in D/FW .....	0.033 lb NO <sub>x</sub> /MMBtu .....	D/FW
Utility boilers—part of a small system in D/FW .....	0.06 lb NO <sub>x</sub> /MMBtu .....	D/FW
Lean burn stationary engine $\geq 300$ hp gas fired and gas/liquid-fired engines.	2.0 g NO <sub>x</sub> /hp-hr .....	D/FW

TABLE IV.—AFFECTED SOURCES AND THEIR COMPLIANCE SCHEDULES FOR UTILITY ELECTRIC GENERATION UNITS IN D/FW OZONE NONATTAINMENT AREA

Source type	Compliance date
RACT .....	No later than November 15, 1999.
$\frac{2}{3}$ NO <sub>x</sub> emission reductions .....	No later than May 1, 2003.
All NO <sub>x</sub> reductions .....	No later than May 1, 2005.

TABLE V.—AFFECTED SOURCES AND THEIR COMPLIANCE SCHEDULES FOR INDUSTRIAL, COMMERCIAL, AND INSTITUTIONAL COMBUSTION SOURCES IN D/FW OZONE NONATTAINMENT AREA

Source type	Compliance date
RACT .....	No later than November 15, 1999.
Lean burn engines .....	No later than November 15, 2001.
$\frac{2}{3}$ NO <sub>x</sub> emission reductions .....	No later than May 1, 2003.
All NO <sub>x</sub> reductions .....	No later than May 1, 2005.

#### 4. What Are NO<sub>x</sub>?

Nitrogen oxides belong to the group of criteria air pollutants. NO<sub>x</sub> results from burning fuels, including gasoline and coal. Nitrogen oxides react with volatile organic compounds (VOC) to form ozone or smog, and are also major components of acid rain.

#### 5. What Is a Nonattainment Area?

A nonattainment area is a geographic area in which the level of a criteria air pollutant is higher than the level allowed by Federal standards. A single geographic area may have acceptable levels of one criteria air pollutant but unacceptable levels of one or more other criteria air pollutants; thus, a geographic area can be attainment for one criteria pollutant and nonattainment for another criteria pollutant at the same time.

#### 6. What Are Definitions of Major Sources for NO<sub>x</sub>?

Section 302 of the Act generally defines “major stationary source” as a facility or source of air pollution which emits, when uncontrolled, 100 tons per year (tpy) or more of air pollution. This general definition applies unless another specific provision of the Act explicitly defines major source differently. Therefore, for NO<sub>x</sub>, a major source is one which emits, when uncontrolled, 100 tpy or more of NO<sub>x</sub> in marginal and moderate areas. The B/PA area is a moderate ozone nonattainment

area, so the major source size for the B/PA area is 100 tpy or more, when uncontrolled. According to sections 182(c) and 182(f) of the Act, a major source in a serious nonattainment area is a source that emits, when uncontrolled, 50 tpy or more of NO<sub>x</sub>. The D/FW area is a serious ozone nonattainment area, so the major source size for D/FW is 50 tpy or more, when uncontrolled.

According to section 182(d) and 182(f) of the Act, a major source in a severe nonattainment area is a source that emits, when uncontrolled, 25 tpy or more of NO<sub>x</sub>. The H/GA area is a severe ozone nonattainment area, so the major source size for the H/GA area is 25 tpy or more, when uncontrolled.

#### 7. What Is a State Implementation Plan?

Section 110 of the Act requires States to develop air pollution regulations and control strategies to ensure that State air quality meets the NAAQS that EPA has established. Under section 109 of the Act, EPA established the NAAQS to protect public health. The NAAQS address six criteria pollutants. These criteria pollutants are: Carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide.

Each State submits these regulations and control strategies to us for approval and incorporation into the federally enforceable SIP. These SIPs can be extensive, containing State regulations

or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

#### 8. What Is the Federal Approval Process for a SIP?

When a State wants to incorporate its regulations into the federally enforceable SIP, the State must formally adopt the regulations and control strategies consistent with State and Federal requirements. This process includes a public notice, a public hearing, a public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a State adopts a rule, regulation, or control strategy, the State may submit the adopted provisions to us and request that we include these provisions in the federally enforceable SIP. We must then decide on an appropriate Federal action, provide public notice on this action, and seek additional public comment regarding this action. If we receive adverse comments, we must address them prior to a final action.

Under section 110 of the Act, when we approve all State regulations and supporting information, those State regulations and supporting information become a part of the federally approved SIP. You can find records of these SIP actions in the Code of Federal Regulations at Title 40, part 52, entitled “Approval and Promulgation of

Implementation Plans.” The actual State regulations that we approved are not reproduced in their entirety in the CFR but are “incorporated by reference,” which means that we have approved a given State regulation with a specific effective date.

#### 9. What Does Federal Approval of a SIP Mean to Me?

A State may enforce State regulations before and after we incorporate those regulations into a federally approved SIP. After we incorporate those regulations into a federally approved SIP, both EPA and the public may also

take enforcement action in federal courts against violators of these regulations.

#### 10. What Areas in Texas Will This Action Affect?

The following table contains lists of affected counties and the revisions we are approving.

TABLE VI.—RULES LOG NUMBER, RULES REVISION, AND AFFECTED AREAS FOR TEXAS NO<sub>x</sub> SIP

Rule log No.	Rule revision	Affected areas
1999-046-117-AI .....	Electric generating facilities (East and Central Texas).	Atascosa, Bastrop, Bexar, Brazos, Brazoria, Chambers, Cherokee, Calhoun, Collin, Dallas, Denton, Fannin, Fayette, Fort Bend, Freestone, Galveston, Goliad, Gregg, Grimes, Hardin, Harris, Harrison, Henderson, Hood, Hunt, Jefferson, Lamar, Liberty, Limestone, Marion, McLennan, Milam, Montgomery, Morris, Nueces, Orange, Parker, Red River, Robertson, Rusk, Tarrant, Titus, Travis, Victoria, Waller, and Wharton counties.
1999-055D-117-AI .....	Point sources in D/FW area .....	Collin, Dallas, Denton, and Tarrant counties.

If you are in one of these Texas counties, you should refer to the Texas NO<sub>x</sub> rules to determine if and how the actions stated in this document will affect you.

## II. Final Action

Pursuant to sections 110 and 116 and part D of the Act, we are finalizing the approval of revisions to Texas Rule 30 TAC, Chapter 117, regulations for the control of air pollution from nitrogen compounds, as a revision to the Texas NO<sub>x</sub> SIP. This includes the final approval of revisions to the Texas NO<sub>x</sub> rules for electric generating facilities in East and Central Texas, and the final approval of revisions to the Texas NO<sub>x</sub> rules for major stationary sources in the D/FW 1-hour ozone nonattainment area. Collectively, these measures will reduce ozone concentrations in the H/GA, D/FW, and B/PA ozone nonattainment areas.

## III. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a “significant regulatory action” and therefore is not subject to review by the Office of Management and Budget. This action merely approves State law as meeting Federal requirements and imposes no additional requirements beyond those imposed by State law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or

uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4). This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a State rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not

apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. The EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the “Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings” issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2). This rule will be effective April 16, 2001.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States

Court of Appeals for the appropriate circuit by May 15, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2) of the Act.

#### List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Nitrogen dioxide, Nitrogen oxides, Nonattainment, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: March 2, 2001.

**Jerry Clifford,**

*Acting Regional Administrator, Region 6.*

Part 52, chapter I, title 40 of the Code of Federal Regulations is amended as follows:

#### PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

#### Subpart SS—Texas

2. In § 52.2270(c), the table is amended under Chapter 117 as follows:

- a. Under Subchapter A, revising the entry for section 117.10;
- b. Under Subchapter B, revising the “Division 1” heading to read “Division 1—Utility Electric Generation in Ozone Nonattainment Areas,” revising the entries for sections 117.104, 117.106, 117.108, 117.115, and 117.116, and removing the entry for section 117.109;
- c. Under Subchapter B, by redesignating “Division 2” with all of its

entries as “Division 3,” and adding a new “Division 2” heading to read “Division 2—Utility Electric Generation in East and Central Texas,” and adding new sections 117.131, 117.133, 117.134, 117.135, 117.138, 117.141, 117.143, 117.145, 117.147, and 117.149;

d. Under Subchapter B, revising “Division 3” heading to read “Division 3—Industrial, Commercial, and Institutional Combustion Sources in Ozone Nonattainment Areas”, and revising the entries for sections 117.205, 117.206, 117.216, and 117.223;

e. Under Subchapter E, adding a new entry for section 117.512, revising the entries for sections 117.510, 117.520, and 117.570;

f. Removing the “Subchapter F: Gas-Fired Steam Generation” heading and removing the entry for section 117.601.

The additions read as follows:

#### § 52.2270 Identification of plan.

\* \* \* \* \*

(c) EPA approved regulations.

#### EPA APPROVED REGULATIONS IN THE TEXAS SIP

State citation	Title/Subject	State adoption date	EPA approval date	Explanation
<p style="text-align: center;">* * * * *</p> <p style="text-align: center;"><b>Chapter 117 (Reg 7)—CONTROL OF AIR POLLUTION FROM NITROGEN COMPOUNDS</b></p> <p style="text-align: center;"><b>Subchapter A—Definitions</b></p>				
Section 117.10 .....	Definitions .....	04/19/2000	[Insert Federal Register publication date and page number].	
<p style="text-align: center;"><b>Subchapter B—Combustion at Existing Major Sources</b></p> <p style="text-align: center;"><b>Division 1—Utility Electric Generation in Ozone Nonattainment Areas</b></p>				
Section 117.104 .....	Gas Fired Steam Generation .....	04/19/2000	[Insert Federal Register publication date and page number].	For B/PA and D/FW nonattainment areas.
Section 117.106 .....	Emission Specifications for Attainment Demonstrations.	04/19/2000	[Insert Federal Register publication date and page number].	For B/PA and D/FW nonattainment areas. Note: 117.106(c) relating to CO and date and ammonia not submitted as part of DFW SIP. 117.106 (c) is retained for B/PA.
Section 117.108 .....	System Cap .....	04/19/2000	[Insert Federal Register publication date and page number].	For B/PA and D/FW nonattainment areas.
Section 117.115 .....	Final Control Plan Procedures for Reasonably Available Control Technologies.	04/19/2000	[Insert Federal Register publication date and page number].	For B/PA and D/FW nonattainment areas.
Section 117.116 .....	Final Control Plan Procedures for Attainment Demonstration Emission Specifications.	04/19/2000	[Insert Federal Register publication date and page number].	For B/PA and D/FW nonattainment areas.
<p style="text-align: center;"><b>Division 2—Utility Electric Generation in East and Central Texas</b></p>				
Section 117.131 .....	Applicability .....	04/19/2000	[Insert Federal Register publication date and page number].	New, regional utility NO <sub>x</sub> rules.
Section 117.133 .....	Exemptions .....	04/19/2000	[Insert Federal Register publication date and page number].	New, regional utility NO <sub>x</sub> rules.

## EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/Subject	State adoption date	EPA approval date	Explanation
Section 117.134 .....	Gas-Fired Steam Generation .....	04/19/2000	[Insert Federal Register publication date and page number].	New, regional utility NO <sub>x</sub> rules.
Section 117.135 .....	Emission Specification .....	04/19/2000	[Insert Federal Register publication date and page number].	New, regional utility NO <sub>x</sub> rules.
Section 117.138 .....	System Cap .....	04/19/2000	[Insert Federal Register publication date and page number].	New, regional utility NO <sub>x</sub> rules.
Section 117.141 .....	Initial Demonstration of Compliance	04/19/2000	[Insert Federal Register publication date and page number].	New, regional utility NO <sub>x</sub> rules.
Section 117.143 .....	Continuous Demonstration of Compliance.	04/19/2000	[Insert Federal Register publication date and page number].	New, regional utility NO <sub>x</sub> rules.
Section 117.145 .....	Final Control Plan Procedures .....	04/19/2000	[Insert Federal Register publication date and page number].	New, regional utility NO <sub>x</sub> rules.
Section 117.147 .....	Revision of Final Control Plan .....	04/19/2000	[Insert Federal Register publication date and page number].	New, regional utility NO <sub>x</sub> rules.
Section 117.149 .....	Notification, Record keeping, and Reporting Requirements.	04/19/2000	[Insert Federal Register publication date and page number].	New, regional utility NO <sub>x</sub> rules.
<b>Division 3—Industrial, Commercial, and Institutional Combustion Sources in Ozone Nonattainment Areas</b>				
* .....	* .....	* .....	* .....	* .....
Section 117.205 .....	Emission Specifications for Reasonably Available Control Technology (RACT).	04/19/2000	[Insert Federal Register publication date and page number].	
Section 117.206 .....	Emission Specifications for Attainment Demonstrations.	04/19/2000	[Insert Federal Register publication date and page number].	For B/PA and D/FW nonattainment areas.
* .....	* .....	* .....	* .....	* .....
Section 117.216 .....	Final Control Plan Procedures for Attainment Demonstration Emission Specifications.	04/19/2000	[Insert Federal Register publication date and page number].	For For B/PA and D/FW nonattainment areas.
* .....	* .....	* .....	* .....	* .....
Section 117.223 .....	Source Cap .....	04/19/2000	[Insert Federal Register publication date and page number].	(b)(1)(B) requires EPA's approval.
* .....	* .....	* .....	* .....	* .....
<b>Subchapter E—Administrative Provisions</b>				
Section 117.510 .....	Compliance Schedule for Utility Electric Generation in Ozone Nonattainment Areas.	04/19/2000	[Insert Federal Register publication date and page number].	(a) and (b) for B/PA and D/FW nonattainment areas.
Section 117.512 .....	Compliance Schedule for Utility Electric Generation in East and Central Texas.	04/19/2000	[Insert Federal Register publication date and page number].	New, regional utility NO <sub>x</sub> rules.
Section 117.520 .....	Compliance Schedule for Industrial, Commercial, and Institutional Combustion Sources in Ozone Nonattainment Areas.	04/19/2000	[Insert Federal Register publication date and page number].	(a) and (b) for B/PA and D/FW nonattainment areas.
* .....	* .....	* .....	* .....	* .....
Section 117.570 .....	Trading .....	04/19/2000	[Insert Federal Register publication date and page number].	For B/P and D/FW nonattainment areas.
* .....	* .....	* .....	* .....	* .....

[FR Doc. 01-6466 Filed 3-15-01; 8:45 am]

BILLING CODE 6560-50-U

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[I.D. 030901A]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Sablefish Managed Under the IFQ Program

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Announcement of fishing season dates.

**SUMMARY:** NMFS announces the opening of directed fishing for sablefish with fixed gear managed under the Individual Fishing Quota (IFQ) program. The season will open 1200 hrs, Alaska local time (A.l.t.), March 15, 2001, and will close 1200 hrs, A.l.t., November 15, 2001. This period is the same as the IFQ season for Pacific halibut announced by the International Pacific Halibut Commission (IPHC). The IFQ halibut

season is announced by publication in the **Federal Register**.

**DATES:** Effective 1200 hrs, A.l.t., March 15, 2001, until 1200 hrs, A.l.t., November 15, 2001.

**FOR FURTHER INFORMATION CONTACT:**

James Hale, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** Beginning in 1995, fishing for Pacific halibut (*Hippoglossus stenolepis*) and sablefish (*Anoplopoma fimbria*) with fixed gear in the IFQ regulatory areas defined in § 679.2 has been managed under the IFQ program. The IFQ program is a management measure designed to promote the conservation and management of these fisheries and to further the objectives of the Magnuson-Stevens Fishery Conservation and Management Act and the Northern Pacific Halibut Act. Persons holding quota share receive an annual allocation of IFQ. Persons receiving an annual allocation of IFQ are authorized to harvest IFQ species within specified limitations. Further information on the implementation of the IFQ program, and the rationale supporting it, are contained in the preamble to the final rule implementing the IFQ program published in the **Federal Register**, November 9, 1993 (58 FR 59375) and subsequent amendments.

This announcement is consistent with § 679.23(g)(1), which requires that the

directed fishing season for sablefish managed under the IFQ program be specified by the Administrator, Alaska Region, and announced by publication in the **Federal Register**. This method of season announcement was selected to facilitate coordination between the sablefish season, chosen by the Administrator, Alaska Region, and the halibut season, chosen by the IPHC. The directed fishing season for sablefish with fixed gear managed under the IFQ program will open 1200 hrs, A.l.t., March 15, 2001, and will close 1200 hrs, A.l.t., November 15, 2001. This period runs concurrently with the IFQ season for Pacific halibut announced by the IPHC. The IFQ halibut season is announced by publication in the **Federal Register**.

#### Classification

This action is taken under § 679.23(g)(1) and is exempt from review under E.O. 12866.

**Authority:** 16 U.S.C. 773 *et seq.* and 1801 *et seq.*

Dated: March 12, 2001.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 01-6598 Filed 3-15-01; 8:45 am]

BILLING CODE 3510-22-S

# Proposed Rules

Federal Register

Vol. 66, No. 52

Friday, March 16, 2001

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 537

RIN 3206-AJ33

#### Repayment of Student Loans

**AGENCY:** Office of Personnel Management.

**ACTION:** Proposed rulemaking.

**SUMMARY:** The Office of Personnel Management (OPM) is proposing regulations implementing the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001, to authorize Federal agencies to repay federally insured student loans when necessary to recruit or retain highly qualified personnel.

**DATES:** Written comments will be considered if received no later than May 15, 2001.

**ADDRESSES:** Send or deliver written comments to Richard A. Whitford, Acting Associate Director for Employment, Office of Personnel Management, Room 6500, 1900 E Street, NW., Washington, DC 20415.

**FOR FURTHER INFORMATION CONTACT:** Michael J. Mahoney, (202) 606-0830 (FAX 202-606-0390).

**SUPPLEMENTARY INFORMATION:** The Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 amended 5 U.S.C. 5379. These amendments: Remove the restriction of this incentive to professional, technical, or administrative personnel; remove the limitation of this incentive to employees covered under General Schedule pay rates; broaden the types of loans which qualify under this part under the Higher Education Act of 1965 and the Public Health Service Act; require agencies to report annually to OPM on their use of this incentive; and require OPM to report annually to Congress on agencies' use of this incentive. These regulations reflect the amendments to 5 U.S.C. 5379.

The repayment authority is one of several flexibilities made available to

agencies when trying to attract individuals to the Federal service, or retain highly qualified personnel. The proposed regulations benefit both agencies and employees by expanding the flexibility of this existing incentive.

The proposed regulations amend the following: Purpose, Definition of Employee, Definition of Student Loan, and Records and Reports.

#### Purpose

This incentive may be used for employees in occupational series other than professional, technical, or administrative positions.

#### Definition of Employee

This incentive may be used for employees covered under non-General Schedule (GS) pay rates, providing the non-GS employee meets the other criteria specified under this part.

#### Definition of Student Loan

The proposed regulations expand the type of loans which qualify for this incentive to include: Subsidized, unsubsidized, Direct subsidized, and Direct unsubsidized Federal Stafford loans; Federal and Direct Federal Plus loans; Direct subsidized, Direct unsubsidized, and Federal Consolidation loans; Defense loans; National Direct Student Loans; Perkins Loans; Nursing Student Loan Program loans; Health Profession Student Loan Program loans; and Health Education Assistance Loan Program loans.

#### Records and Reports

Agencies will be required to report annually to OPM on their use of this incentive. Agencies must report to OPM: The number of employees selected to receive this benefit; the job classifications of the employees selected to receive this benefit; and the cost for providing this benefit. Cost is the total amount of student loans repayments, not the administrative costs associated with administering the program.

#### E.O. 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

#### Regulatory Flexibility Act

I certify that this regulation will not have a significant economic impact on a substantial number of small entities

because it affects only certain Federal employees.

#### List of Subjects in 5 CFR Part 537

Administrative practice and procedure, Government employees, Wages.

Office of Personnel Management.

**Steven R. Cohen,**

*Acting Director.*

Accordingly, OPM proposes to amend part 537 to Title 5, Code of Federal Regulations, as follows:

#### PART 537—REPAYMENT OF STUDENT LOANS

1. The authority citation for part 537 continues to read as follows:

**Authority:** 5 U.S.C. 5379.

2. Section 537.101 is revised to read as follows:

##### § 537.101 Purpose.

This part provides regulations to implement 5 U.S.C. 5379, as amended, which authorizes agencies to establish a program under which they may agree to repay (by direct payment on behalf of the employee) all or part of any outstanding federally insured student loan or loans previously taken out by a candidate to whom an offer of employment has been made, or a current employee of the agency, in order to recruit or retain highly qualified personnel.

3. In § 537.102 the definitions of *Employee* and *Student loan* are revised to read as follows:

##### § 537.102 Definitions.

\* \* \* \* \*

*Employee* has the meaning given that term in 5 U.S.C. 2105, except it does not include an employee occupying a position which is excepted from the competitive service because of its confidential, policy-determining, policy-making, or policy advocating character (i.e., employees serving under Schedule C appointments).

\* \* \* \* \*

*Student loan* means —

(a) A loan made, insured, or guaranteed under parts B, D or E of title IV of the Higher Education Act of 1965; or

(b) A health education assistance loan made or insured under part A of title VII of the Public Health Service Act, or under part E of title VIII of that Act.

4. In § 537.110 the section heading is revised, the existing text is designated as paragraph (a), and paragraph (b) is added to read as follows:

**§ 537.110 Records and Reports.**

\* \* \* \* \*

(b) Before January 1st of each year, each agency must submit a written report to the Office of Personnel Management stating when the agency made student loan repayments on behalf of an employee during the previous fiscal year. Each report must include:

(1) The number of employees selected to receive this benefit;

(2) The job classifications of the employees selected to receive benefits under this part; and

(3) The cost to the Federal government for providing benefits under this part.

[FR Doc. 01-6514 Filed 3-15-01; 8:45 am]

BILLING CODE 6325-38-P

## DEPARTMENT OF ENERGY

### Office of Energy Efficiency and Renewable Energy

#### 10 CFR Part 430

[Docket Number EE-RM/TP-97-440]

RIN 1904-AA46

#### Energy Conservation Program for Consumer Products: Test Procedures for Central Air Conditioners and Heat Pumps

**AGENCY:** Office of Energy Efficiency and Renewable Energy, Department of Energy.

**ACTION:** Proposed rule; extension of comment period and rescheduling of public hearing.

**SUMMARY:** On January 22, 2001, the Department of Energy published a notice of proposed rulemaking (NOPR) (66 FR 6768) to revise the test procedures for central air conditioners and heat pumps. The notice of proposed rulemaking announced that the closing date for receiving public comments would be March 23, 2001. The Air Conditioning and Refrigeration Institute (ARI) requested that the comment period be extended to allow additional time for understanding the lengthy revisions to the test procedures. The Department agrees to this extension of the comment period to May 23, 2001. The NOPR also announced that a public workshop (hearing) would be held on February 7, 2001. ARI requested that this date be changed to allow more time

for preparation. The public workshop is now scheduled for March 29, 2001.

The proposed rule stated that there would be a workshop in the spring of 2001 to discuss modifications to the test procedure to encourage the use of thermostatic expansion valves (TXVs), and to discuss a standard mixed system rating method. This workshop will be held immediately following the proposed test procedure rulemaking workshop, in the same room, on the afternoon of the same date (March 29). The outcome of this second workshop will have no effect on this proposed test procedure rulemaking.

**DATES:** Comments must be received on or before May 23, 2001. The public workshop (hearing) on the proposed test procedure rulemaking will be held on March 29, 2001, in Washington, DC. The workshop on TXVs and mixed system rating methods will immediately follow, on the same date. Please send requests to speak at the workshop so that we receive them by 4 p.m., March 20, 2001. The Department must also receive ten (10) copies of statements to be given at the public workshop no later than 4 p.m., March 21, 2001, and we request that you provide a computer diskette (WordPerfect 8) of each statement at that time.

**ADDRESSES:** Please submit written comments and requests to speak at the public hearing to: Michael Raymond, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Hearings and Dockets, Test Procedures for Central Air Conditioners Including Heat Pumps, Docket No. EE-RM-97-440, EE-41, Room 1J-018, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585-0121. You may send an email to: michael.raymond@ee.doe.gov. The hearing will be at the U.S. Department of Energy, Forrestal Building, Room 1E-245, 1000 Independence Avenue, SW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Michael Raymond at (202) 586-9611, E-mail: michael.raymond@ee.doe.gov, or Eugene Margolis, Esq., (202) 586-9507, E-mail: Eugene.Margolis@HQ.DOE.GOV.

Issued in Washington DC, on March 12, 2001.

**Abraham E. Haspel,**

*Acting Director, Office of Energy Efficiency and Renewable Energy.*

[FR Doc. 01-6570 Filed 3-15-01; 8:45 am]

BILLING CODE 6450-01-P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 25

[Docket No. NM185; Notice No. 25-01-02-SC]

#### Special Conditions: Enhanced Vision System (EVS) for Gulfstream Model G-V Airplane

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed special conditions.

**SUMMARY:** This notice proposes special conditions for Gulfstream Model G-V airplanes. These airplanes, as modified by Gulfstream Aerospace Corporation, will have novel or unusual design features associated with a head-up display (HUD) system modified to display forward-looking infrared (FLIR) imagery. The regulations applicable to pilot compartment view do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that provided by the existing airworthiness standards.

**DATES:** Comments must be received on or before April 30, 2001.

**ADDRESSES:** Comments on these special conditions may be mailed in duplicate to: Federal Aviation Administration, Transport Airplane Directorate, Attention: Rules Docket (ANM-114), Docket No. NM185, 1601 Lind Avenue SW., Renton, Washington 98055-4056; or delivered in duplicate to the Transport Airplane Directorate at that address. All comments must be marked: *Docket No. NM185*. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

**FOR FURTHER INFORMATION CONTACT:** Dale Dunford, FAA, Transport Standards Staff, ANM-111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone (425) 227-2239; fax (425) 227-1100; e-mail: dale.dunford@faa.gov.

#### SUPPLEMENTARY INFORMATION:

##### Comments Invited

Interested persons are invited to participate in the making of these proposed special conditions by submitting such written data, views, or arguments, as they may desire. Communications should identify the



regulatory docket number (NM185) and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator. These proposed special conditions may be changed in light of the comments received. All comments received will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to these proposed special conditions must include with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. NM185." The postcard will be date-stamped and returned to the commenter.

### Background

On February 13, 1998, Gulfstream Aerospace Corporation, 4150 Donald Douglas Drive, Long Beach, California 90808, applied for a supplemental type certificate (STC) to modify Gulfstream Model G-V airplanes. The Model G-V is a small transport category airplane. The Model G-V airplanes are powered by two BMW-Rolls Royce Mark BR700-710A1-10 engines, and have a maximum takeoff weight of 90,500 pounds. This airplane operates with a two-pilot crew and can hold up to 19 passengers.

The modification incorporates the installation of an Enhanced Vision System (EVS). This system consists of a previously approved Honeywell 2020 head-up display (HUD) system that is modified to display forward-looking infrared (FLIR) imagery provided by a Kollsman FLIR assembly. The EVS is novel or unusual technology for which the FAA has no certification criteria. Title 14, Code of Federal Regulations (14 CFR) § 25.773 ("Pilot compartment view"), prohibits visual distortions, glare, and reflections that could interfere with the pilot's normal duties. That regulation was not written in anticipation of an imagery display that could interfere with the pilot's forward field of view. Because § 25.773 does not provide for any alternatives or considerations for such a novel or unusual system as the EVS, the FAA finds it necessary to establish safety requirements that ensure an equivalent level of safety and effectiveness of the pilot compartment view as intended by the regulation.

To maintain an equivalent level of safety with § 25.773, the fundamental principle must be that the combination of what the pilot can see in the FLIR image, and what can be seen through and around the image display, must be as safe and effective as the view without the EVS image. Other applications for certification of such technology are anticipated in the near future and magnify the need to establish FAA safety standards that can be applied consistently for all such approvals.

### Type Certification Basis

Under the provisions of § 21.101 ("Designation of applicable regulations"), Gulfstream Aerospace Corporation must show that the Gulfstream Model G-V airplanes, as changed, comply with the regulations in the U.S. type certification basis established for the Model G-V airplane. The U.S. type certificate basis established for the Model G-V airplane is established in accordance with § 21.21 ("Issue of type certificate \* \* \*") and § 21.17 ("Designation of applicable regulations"), and the type certification application date. The U.S. type certification basis for this model airplane is listed in Type Certificate Data Sheet No. A12EA.

If the Administrator finds that the applicable airworthiness regulations (i.e., part 25, as amended) do not contain adequate or appropriate safety standards for the Gulfstream Model G-V airplanes modified by Gulfstream Aerospace Corporation because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16 ("Special conditions").

In addition to the applicable airworthiness regulations and special conditions, these Gulfstream Model G-V airplanes must comply with the fuel vent and exhaust emission requirements of part 34 and the noise certification requirements of part 36.

Special conditions, as appropriate, are issued in accordance with § 11.19 ("What is a final rule?"), after public notice, as required by § 11.38 ("What public comment procedures does FAA follow for Special Conditions?"), and become part of the type certification basis in accordance with § 21.101(b)(2).

Special conditions are initially applicable to the model for which they are issued. Should Gulfstream Aerospace Corporation apply at a later date for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would

also apply to the other model under the provisions of § 21.101(a)(1).

### Novel or Unusual Design Features

The EVS is novel or unusual technology because it places a raster \* infrared image in the center of the pilot's regulated "pilot compartment view," which must be free of interference, distortion, and glare that would adversely affect the performance of the pilot's normal duties. (\*A "raster" image is typically a set of horizontal lines composed of individual pixels, used to form an image on a CRT or other screen.) The EVS/HUD system displays a raster image from a forward-looking infrared (FLIR) camera on the previously approved Honeywell HUD 2020 system. The EVS image is displayed with HUD symbology and overlays the forward outside view. Fundamentally, the combination of information seen by the pilot in the EVS image, and the visual information seen by the pilot through and around the image, must be as safe and effective as the pilot's view without EVS.

Operationally, during an instrument approach, the EVS image is intended to supplement the pilot's ability to detect and identify "visual references for the intended runway," which are listed and required by § 91.175(c)(3) ("Takeoff and landing under IFR") to continue the approach below decision height. It may be possible to demonstrate whether, in certain conditions, the EVS can provide an image of such references, perhaps even better than the references can be seen through the window by the pilot without EVS. However, systems such as EVS, which use the infrared wavelength, sense the scene with distinctly different characteristics than a pilot's eyes do. An infrared sensor responds to apparent temperature differences in the scene and does not respond to contrasting colors and brightness like the pilot's eyes would. Visual features can appear significantly different to a pilot in the infrared image than they would with normal vision.

While displaying the infrared image, the EVS also will partially interfere with the pilot's natural outside view. There is the potential for the image to improve the pilot's ability to detect and identify items of interest, yet, at the same time, the potential for it to interfere with the pilot compartment view. Section 25.773(a)(2) states:

Each pilot compartment must be free of glare and reflection that could interfere with the normal duties of the minimum flight crew.

The EVS image is displayed in the field of view required by § 25.773, and may potentially interfere with the pilot's

ability to see the actual outside scene through the forward window, particularly in the center of the forward field of view.

The EVS raster image has more potential for interference with the pilot compartment view than stroke symbols also displayed on the HUD. Stroke symbology illuminates a small fraction of the total display area of the HUD. Without the raster image, the pilot can easily see around the symbology and the outside view is not unacceptably compromised. However, unlike stroke symbology, the EVS image illuminates most of the total display area of the HUD (approximately 30 degrees horizontally and 20 degrees vertically) with much greater potential interference with the pilot compartment view. The pilot cannot see around the raster image, but must see the outside scene through it.

Additionally, unlike the pilot's external view, the EVS image is monochrome and two-dimensional, without depth cues. The quality of the EVS image and the level of EVS infrared sensor performance could depend significantly on the atmospheric and external light source conditions. Gain settings of the sensor, and brightness or contrast settings of the HUD, can significantly affect image quality. Certain system characteristics can create distracting and confusing display artifacts. Finally, because this is a sensor-based system that is intended to provide a conformal perspective corresponding with the outside scene, the potential for misalignment must be considered.

Hence, criteria for each of the following need to be addressed:

- An acceptable degree of interference of the window or "window and HUD" view;
- Potential image misalignment;
- Distortion; and
- The potential for pilot confusion or misleading information.

Section 25.773 did not anticipate this type of technology, and the regulation currently is not considered to be adequate to address the specific issues related to an enhanced vision system. Therefore, the FAA has determined that, in addition to the requirements of 14 CFR part 25, special conditions are needed to address requirements particular to the installation of an EVS.

## Discussion

Gulfstream Aerospace Corporation intends for the EVS to present an enhanced view that would aid the pilot, during the approach:

- To see and recognize external visual references that are required by § 91.175(c), and

- To visually monitor the integrity of the approach, as described in FAA Order 6750.24D ("Instrument Landing System and Ancillary Electronic Component Configuration and Performance Requirements," dated March 1, 2000).

Based on this functionality, users would seek to obtain operational approval to conduct approaches when the Runway Visual Range (RVR) is as low as 1,200 feet, including approaches to Type I runways. Gulfstream does not intend for the EVS imagery to be used either as a means of flight guidance, or as the substitution for the outside view while maneuvering the airplane during approach, landing, rollout, or takeoff.

The FAA considers that EVS may be found acceptable for the following functions:

- Presenting an enhanced view that would aid the pilot during the approach.
- Displaying an image that the pilot can use to detect and identify the "visual references for the intended runway" required by § 91.175(c)(3) to continue the approach with vertical guidance to 100 feet height above touchdown (HAT).

However, the FAA finds that it would not be appropriate to reduce the ceiling and visibility minima of the instrument approach procedure being used based on the use of EVS.

Further, the FAA certification of EVS is limited as follows:

- The infrared-based EVS image will not be certified as a means to satisfy the requirements for descent below 100 feet HAT.
- The infrared-based EVS image will not be certified as a means to establish that flight visibility is consistent with the visibility condition prescribed in the standard instrument approach being used [see § 91.175(c)(2)].

- The EVS imagery, alone, will not be certified either as flight guidance, or as a substitution for the outside view for maneuvering the airplane during approach, landing, rollout, or takeoff.

- The EVS may be used as a supplemental device during any phase of flight or operation in which its safe use has been established.

Although the EVS image projected on the HUD can interfere with the pilot compartment view, contrary to § 25.773, the FAA finds that an equivalent level of safety to that requirement may be possible with the combined view of the image and the outside scene that the pilot is able to see through the image. An EVS image may reduce the clear

outside view of portions of the visual field, and yet, at the same time, may provide an enhanced image of that scene. The pilot must be able to use this combination of information seen in the image, and the natural view of the outside scene seen through the image, as safely and effectively as the pilot would use a § 25.773-compliant pilot compartment view without an EVS image. This is the fundamental objective of the proposed special conditions. Compliance with these special conditions and other airworthiness requirements of part 25 does not constitute operational approval for use of EVS.

The FAA intends to develop guidance material for use of the EVS that will cover operations, pilot qualification, and training.

The FAA also intends to apply certification criteria, not as special conditions, for compliance with other Federal Aviation Regulations, including § 25.1301 ("Equipment: Function and installation") and § 25.1309 ("Equipment, systems, and installations"). These criteria address certain image characteristics, installation, demonstration, and system safety.

*Image characteristics* criteria include:

- Resolution,
- Luminance,
- Luminance uniformity,
- Low level luminance,
- Contrast variation,
- Display quality,
- Display dynamics (for example, jitter, flicker, update rate, and lag), and
- Brightness controls.

*Installation* criteria address:

- Visibility and access to EVS controls, and
- Integration of EVS in the cockpit.

*The EVS demonstration* criteria address the flight and environmental conditions that need to be covered.

The FAA also intends to apply certification criteria relevant to high intensity radiated fields (HIRF) and lightning protection.

A copy of these proposed means of compliance criteria may be obtained by sending a request to the following e-mail address: 9-ANM-EVS-CRITERIA@faa.gov.

## Applicability

As discussed above, these proposed special conditions would apply to Gulfstream Model G-V airplanes modified by Gulfstream Aerospace. Should Gulfstream Aerospace apply at a later date for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual

design feature, these special conditions would apply to that model as well under the provisions of § 21.101(a)(1).

### Conclusion

This action affects only certain novel or unusual design features on the Gulfstream Model G-V airplanes modified by Gulfstream Aerospace. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.

### List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these proposed special conditions is as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

### The Proposed Special Conditions

Accordingly, the Federal Aviation Administration proposes the following special conditions as part of the supplemental type certification basis for the Gulfstream Model G-V airplanes modified by Gulfstream Aerospace:

1. The EVS imagery on the HUD must not degrade the safety of flight, nor interfere with the effective use of outside visual references for required pilot tasks, during any phase of flight in which it is to be used.

2. To avoid unacceptable interference with the safe and effective use of the pilot compartment view, the EVS device must meet the following requirements:

2.a. The EVS design must minimize unacceptable display characteristics or artifacts (for example, noise, "burlap" overlay, running water droplets) that obscure the desired image of the scene, impair the pilot's ability to detect and identify visual references, mask flight hazards, distract the pilot, or otherwise degrade task performance or safety.

2.b. Control of EVS display brightness must be sufficiently effective, in dynamically changing background (ambient) lighting conditions, to prevent full or partial blooming of the display that would distract the pilot, impair the pilot's ability to detect and identify visual references, mask flight hazards, or otherwise degrade task performance or safety. If automatic control for image brightness is not provided, it must be shown that a single manual setting is satisfactory.

2.c. A readily accessible control must be provided that permits the pilot to immediately deactivate and reactivate display of the EVS image on demand.

2.d. The EVS image on the HUD must not impair the pilot's use of guidance information nor degrade the

presentation and pilot awareness of essential flight information displayed on the HUD, such as alerts, airspeed, attitude, altitude and direction, approach guidance, windshear guidance, TCAS resolution advisories, and unusual attitude recovery cues.

2.e. The EVS image must be sufficiently aligned and conformal to both the external scene and conformal HUD symbology so as not to be misleading, cause pilot confusion, or increase workload.

2.f. A HUD system modified to display EVS images must continue to meet all the requirements of the original approval.

3. The safety and performance of the pilot tasks associated with the use of the pilot compartment view must be not be degraded by the display of the EVS image. Pilot tasks that must not be degraded by the EVS image include:

3.a. Detection, accurate identification, and maneuvering, as necessary, to avoid traffic, terrain, obstacles, and other hazards of flight.

3.b. Accurate identification and use of visual references required for every task relevant to the phase of flight.

4. The use of EVS will not reduce the ceiling and visibility minima of the instrument approach procedure being used. The EVS may be found acceptable for the following functions:

4.a. Presenting an image that would aid the pilot during the approach.

4.b. Displaying an image that the pilot can use to detect and identify the "visual references for the intended runway" required by § 91.175(c)(3) to continue the approach with vertical guidance to 100 feet height above touchdown (HAT). Appropriate limitations must be included in the Operating Limitations section of the Airplane Flight Manual to prohibit the use of the EVS for functions not found to be acceptable.

Issued in Renton, Washington, on March 8, 2001.

**Vi L. Lipski,**

*Manager, Transport Airplane Directorate,  
Aircraft Certification Service.*

[FR Doc. 01-6531 Filed 3-15-01; 8:45 am]

**BILLING CODE 4910-13-U**

## POSTAL SERVICE

### 39 CFR Part 111

#### Proposed Domestic Mail Manual Changes for First-Class Mail, Standard Mail, and Bound Printed Matter Flats

**AGENCY:** Postal Service.

**ACTION:** Proposed rule.

**SUMMARY:** The Postal Service is seeking comments on the following proposed mail preparation changes to the Domestic Mail Manual (DMM): Packages of First-Class Mail Presorted rate flats and automation rate flats that are part of the same mailing job would be required to be co-trayed according to the standards in M910; Packages of Standard Mail Presorted rate flats and automation rate flats that are part of the same mailing job would be required to be co-sacked according to the standards in M910; Standard Mail Enhanced Carrier Route and 5-digit flats would be required to be sacked or palletized using the labeling list L001 scheme sort. This includes the scheme sorts included in the optional preparation methods in M920, M930, and M940; and Bound Printed Matter Carrier Route and 5-digit flats would be required to be sacked or palletized using the labeling list L001 scheme sort.

**DATES:** Comments must be received on or before April 13, 2001.

**ADDRESSES:** Send written comments to the Manager, Mail Preparation and Standards, US Postal Service, 1735 N Lynn Street, Rm 3025, Arlington, VA 22209-6038. Written comments may be submitted via fax at 703-292-4058. Copies of all written comments are available via fax or mail by calling Anne Emmerth at the number listed below.

#### FOR FURTHER INFORMATION CONTACT:

Anne Emmerth, 703-292-3641, aemmerth@email.usps.gov.

**SUPPLEMENTARY INFORMATION:** The Postal Service is seeking comments on proposed changes to the Domestic Mail Manual (DMM) that would change mail preparation standards for flats. The changes themselves are outlined below by class of mail; the proposed DMM language follows at the end of this proposed rule. The proposed implementation date for these standards is September 1, 2001.

Generally, these changes are intended to align mail preparation more closely with the way that the Postal Service transports and processes flat-sized mail. The co-traying requirements for First-Class Mail flats and the co-sacking requirements for Standard Mail flats should result in fewer less-than-full trays and sacks and an overall reduction in the number of trays and sacks prepared by mailers and processed by the Postal Service. For Presorted rate Standard Mail, with sack-based rates, this may also result in lower postage rates for some mail that will move to a finer sack presort level. Requiring the use of labeling list L001 for sacked carrier route Standard Mail and Bound Printed Matter flats also will result in

fewer sacks prepared by mailers. For mail on pallets, use of L001 should create more 5-digit level pallets, resulting in fewer package handlings for the Postal Service and better service for mailers.

The changes proposed are as follows:

### 1. First-Class Mail

#### *Required Co-Traying*

Currently, mailers have the option to use M910 to co-tray packages of Presorted rate flats and automation rate flats that are part of the same mailing job (current M130.1.6 and M820.1.9). This proposal would make the current option a requirement. If this proposal is adopted, any First-Class Mail mailing job that contains packages of Presorted rate flats and packages of automation rate flats must be co-trayed using M910.1.0.

### 2. Standard Mail

#### *a. Scheme Sort*

Currently, Standard Mail Enhanced Carrier Route flats are sorted to two required sack levels and one optional sort level (required carrier route, optional 5-digit scheme carrier routes, and required 5-digit carrier routes under M620.4.0). This proposal would make the optional 5-digit scheme carrier routes sort level (using labeling list L001) a required level. If this proposal is adopted, all Enhanced Carrier Route Standard Mail flats would be required to be sorted to all three sack levels.

Current M620.4.0 contains sack preparation requirements for Standard Mail Enhanced Carrier Route flats and irregular parcels. In order to apply the L001 scheme sort only to flats, the sacking requirements for flats have been separated into a different section. Therefore, the sack preparation requirements for irregular parcels are included in this proposed rule only to show renumbering and reorganization. There are no mail preparation changes for Standard Mail Enhanced Carrier Route irregular parcels.

Currently, mailers have the option to use the L001 scheme sort for Standard Mail Enhanced Carrier Route flats on pallets (M045.3.2). This proposal would make the two optional sort levels (5-digit scheme carrier routes and 5-digit scheme using labeling list L001) required sort levels. If this proposal is adopted, all packages of Standard Mail carrier route rate flats on pallets would be required to be sorted to 5-digit scheme carrier routes pallets and 5-digit scheme pallets as the first two sort levels.

Under the advanced preparation options in current M920, M930, and

M940, mailers have the option of sorting with or without using the L001 scheme sort. This proposal would eliminate the "non-L001" sort (current M920.2.4, M920.2.6, M930.2.4, and M940.2.4). If this proposal is adopted, mailers sorting Standard Mail flats under M920, M930, or M940 will be required to use the L001 scheme sort.

These proposed changes apply to regular and nonprofit Standard Mail flats.

#### *b. Required Co-Sacking*

Currently, mailers have the option to use M910 to co-sack packages of Presorted rate flats and packages of automation rate flats that are part of the same mailing job (current M610.1.5 and M820.1.9). This proposal would require mailers to co-sack those packages. If this proposal is adopted, any Standard Mail mailing job that contains packages of Presorted rate flats and packages of automation rate flats must be co-sacked using M910.3.0.

These proposed changes apply to regular and nonprofit Standard Mail flats.

### 3. Bound Printed Matter

#### *Scheme Sort*

Currently, Bound Printed Matter Carrier Route flats are sorted to two required sack levels and one optional sort level (required carrier route, optional 5-digit scheme carrier routes, and required 5-digit carrier routes under M723.2.3). This proposal would make the optional 5-digit scheme carrier routes sort level (using labeling list L001) a required level. If this proposal is adopted, all Bound Printed Matter Carrier Route flats would be required to be sorted to all three sack levels.

Currently, mailers have the option to use the L001 scheme sort for Bound Printed Matter packages of carrier route and 5-digit flats on pallets (M045.3.3). This proposal would make the two optional sort levels (5-digit scheme carrier routes and 5-digit scheme using labeling list L001) required sort levels. If this proposal is adopted, all packages of Bound Printed Matter carrier route rate flats on pallets would be required to be sorted to 5-digit scheme carrier routes pallets, and all 5-digit packages would be required to be sorted to 5-digit scheme pallets as the first sort level.

#### **PAVE Certification**

PAVE-certified software is not required to sort Standard Mail and Bound Printed Matter flats using labeling list L001. For mailings that are co-trayed or co-sacked under M910, documentation produced by PAVE-

certified software or standardized documentation under P012 must be submitted with each mailing job. Use of PAVE-certified software is required for the advanced "merging" preparation options in M920, M930, and M940, which include the L001 scheme sort.

### **Proposed Implementation Date**

The proposed implementation date for these changes is September 1, 2001. This date allows presort software vendors time to update and distribute software to their customers, and also includes time for installation and testing of the software. Commenters are welcome to comment on the proposed implementation date, and should include specific reasons why this date is or is not feasible.

Although exempt from the notice and comment requirements of the Administrative Procedure Act (5 U.S.C. 553(b), (c)) regarding proposed rulemaking by 39 U.S.C. 410(a), the Postal Service invites comments on the following proposed revisions to the Domestic Mail Manual, incorporated by reference in the Code of Federal Regulations. See 39 CFR Part 111.

### **List of Subjects in 39 CFR Part 111**

Administrative practice and procedure, Postal Service.

### **PART 111—[AMENDED]**

1. The authority citation for 39 CFR Part 111 continues to read as follows:

**Authority:** 5 U.S.C. 552(a); 39 U.S.C. 101, 401, 403, 404, 414, 3001–3011, 3201–3219, 3403–3406, 3621, 3626, 5001.

2. Revise the following sections of the Domestic Mail Manual (DMM) as set forth below:

#### **Domestic Mail Manual**

#### **M Mail Preparation and Sortation**

#### **M000 General Preparation Standards**

#### **M011 Basic Standards**

#### **1.0 TERMS AND CONDITIONS**

\* \* \* \* \*

#### **1.3 Preparation Instructions**

For the purposes of preparing mail:

\* \* \* \* \*

[Amend 1.3j] to show that the L001 scheme sort is required for Standard Mail Enhanced Carrier Route flats and Bound Printed Matter Carrier Route flats:]

j. A 5-digit/scheme carrier routes sort for carrier route rate Periodicals flats and irregular parcels, Enhanced Carrier Route rate Standard Mail flats, and Carrier Route Bound Printed Matter

flats, prepared in sacks or as packages on pallets yields a 5-digit scheme carrier routes sack or pallet for those 5-digit ZIP Codes listed in L001 and 5-digit carrier routes sacks or pallets for other areas. The 5-digit ZIP Codes in each scheme are treated as a single presort destination subject to a single minimum sack or pallet volume, with no further separation by 5-digit ZIP Code required. Sacks or pallets prepared for a 5-digit scheme carrier routes destination that contain carrier route packages for only one of the schemed 5-digit areas are still considered 5-digit scheme carrier routes sorted and are labeled accordingly. The 5-digit/scheme carrier routes sort is required for carrier route packages of flat-size and irregular parcel Periodicals, for Enhanced Carrier Route Standard Mail flats, and for Carrier Route Bound Printed Matter flats. Preparation of 5-digit scheme carrier routes sacks or pallets must be done for all 5-digit scheme destinations.

[Amend 1.3k to show that the scheme sort is required for Standard Mail flats and Bound Printed Matter flats:]

k. A 5-digit/scheme sort for Periodicals flats and irregular parcels, Standard Mail flats, and Bound Printed Matter flats prepared as packages on pallets yields 5-digit scheme pallets containing automation rate and Presorted rate 5-digit packages for those 5-digit ZIP Codes listed in L001 and yields 5-digit pallets containing automation rate and Presorted rate 5-digit packages for other areas (automation rate packages are not applicable to Bound Printed Matter). The 5-digit ZIP Codes in each scheme are treated as a single presort destination subject to a single minimum pallet volume, with no further separation by 5-digit ZIP Code required. Pallets prepared for a 5-digit scheme destination that contain 5-digit packages for only one of the schemed 5-digit areas are still considered 5-digit scheme sorted and are labeled accordingly. The 5-digit/scheme sort is required for flat-size and irregular parcel-size Periodicals, for Standard Mail flats, and for Bound Printed Matter flats. The 5-digit/scheme sort may not be used for other mail prepared on pallets, except for 5-digit packages of Standard Mail irregular parcels that are part of a mailing job that is prepared in part as palletized flats at automation rates. Preparation of 5-digit scheme pallets must be done for all 5-digit scheme destinations.

\* \* \* \* \*

## **M040 Pallets**

### **M041 General Standards**

\* \* \* \* \*

#### **5.0 PREPARATION**

\* \* \* \* \*

#### **5.2 Required Preparation**

These standards apply to:

[Amend item a to show that the L001 scheme sort is required for Standard Mail.]

a. Periodicals, Standard Mail, and Package Services (except for Parcel Post mailed at BMC Presort, OBMC Presort, DSCF, and DDU rates). A pallet must be prepared to a required sortation level when there are 500 pounds of Periodicals, Standard Mail, or Package Services mail in packages or sacks, or 500 pounds of parcels, or six layers of Periodicals or Standard Mail letter trays. For packages of Periodicals flats and irregular parcels and packages of Standard Mail flats on pallets that are prepared under the standards for package reallocation to protect the SCF pallet (M045.4.0), not all mail for a 5-digit scheme carrier routes, 5-digit scheme, 5-digit carrier routes, or 5-digit pallet or for a merged 5-digit scheme, merged 5-digit, or 3-digit pallet is required to be on that corresponding pallet level. For packages of Standard Mail flats on pallets prepared under the standards for package reallocation to protect the BMC pallet (M045.5.0), not all mail for a required ASF pallet is required to be on an ASF pallet. Mixed ADC or mixed BMC pallets of sacks, trays, or machinable parcels, as appropriate, must be labeled to the BMC or ADC (as appropriate) serving the post office where mailings are entered into the mailstream. The processing and distribution manager of that facility may issue a written authorization to the mailer to label mixed BMC or mixed ADC pallets to the post office or processing and distribution center serving the post office where mailings are entered. These pallets contain all mail remaining after required and optional pallets are prepared to finer sortation levels under M045, as appropriate.

\* \* \* \* \*

#### **5.6 Mail on Pallets**

These standards apply to mail on pallets:

\* \* \* \* \*

[Amend item g to read as follows:]

g. For nonletter-size Periodicals, Standard Mail flats, and Bound Printed Matter flats, packages of carrier route

rate mail must be prepared on separate 5-digit pallets from automation and Presorted rate mail. Exception: For Periodicals and Standard Mail, under the standards in M920, M930, and M940, carrier route rate, automation rate, and Presorted rate packages can be combined onto the same merged 5-digit scheme pallet and merged 5-digit pallet for applicable 5-digit ZIP Codes.

[Delete item h.]

\* \* \* \* \*

## **M045 Palletized Mailings**

\* \* \* \* \*

### **3.0 PALLET PRESORT AND LABELING**

\* \* \* \* \*

#### **3.2 Standard Mail Packages, Sacks, or Trays on Pallets**

[Amend the introduction to 3.2 and 3.2a through 3.2d to show that the scheme sort using L001 is required for packages of Standard Mail flats.]

Mailers must prepare pallets in the sequence listed below, except that mailings of sacks on pallets, trays on pallets, and irregular parcels must be prepared beginning with 3.2c (because L001 scheme sort is not permitted). Pallets must be labeled according to the Line 1 and Line 2 information listed below and under M031. At the mailer's option, Standard Mail flats prepared as packages on pallets may be palletized in accordance with the advanced presort options in M920, M930, or M940.

a. 5-Digit Scheme Carrier Routes. Required for packages of flats on pallets. Not permitted for sacks or trays on pallets, or for irregular parcels on pallets except under M011. May contain only carrier route rate packages for the same 5-digit scheme under L001. Scheme sort must be done for all 5-digit scheme destinations. For all 5-digit destinations that are not part of a scheme, prepare 5-digit carrier routes pallets under 3.2c.

(1) Line 1: use L001, Column B.

(2) Line 2: "STD FLTS"; followed by "CARRIER ROUTES" or "CR-RTS"; followed by "SCHEME" or "SCH."

b. 5-Digit Scheme. Required for packages of flats on pallets. Not permitted for sacks or trays on pallets, or for irregular parcels on pallets except under M011. May contain only automation rate and/or Presorted rate packages for the same 5-digit scheme under L001. Scheme sort must be done for all 5-digit scheme destinations. For all 5-digit destinations that are not part of a scheme, prepare 5-digit pallets under 3.2d.

(1) Line 1: use L001, Column B.

(2) Line 2: "STD FLTS 5D"; followed by "BARCODED" or "BC" if the pallet contains automation rate mail; followed by "NONBARCODED" or "NBC" if the pallet contains Presorted rate mail; followed by "SCHEME" or "SCH."

c. 5-Digit Carrier Routes. Required for sacks and packages; optional for trays. May contain only carrier route rate mail for the same 5-digit ZIP Code.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M031 for military mail).

(2) Line 2: "STD FLTS" or "STD IRREG 5D" or, for trays on pallets only, "STD LTRS" as applicable; followed by "CARRIER ROUTES" or "CR-RTS."

d. 5-Digit. Required for sacks and packages; optional for trays. May contain only automation rate and/or Presorted rate mail for the same 5-digit ZIP Code.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M031 for military mail).

(2) Line 2: "STD FLTS 5D" or "STD IRREG 5D" or, for trays on pallets only, "STD LTRS 5D" as applicable; followed by "BARCODED" or "BC" if the pallet contains automation rate mail; followed by "NONBARCODED" or "NBC" if the pallet contains Presorted rate mail.

\* \* \* \* \*

### 3.3 Bound Printed Matter Flats— Packages and Sacks on Pallets

[Amend the introduction to 3.3 and 3.3a through 3.3d to show that the scheme sort using L001 is required for packages of Bound Printed Matter flats.]

Mailers must prepare pallets in the sequence listed below, except that mailings of sacks on pallets must be prepared beginning with 3.3c (because L001 scheme sort is not permitted). Pallets must be labeled according to the Line 1 and Line 2 information listed below and under M031.

a. 5-Digit Scheme Carrier Routes. Required for packages of flats on pallets. Not permitted for sacks on pallets. May contain only Carrier Route rate packages for the same 5-digit scheme under L001. Scheme sort must be done for all 5-digit scheme destinations. For all 5-digit destinations that are not part of a scheme, prepare 5-digit carrier routes pallets under 3.3c.

(1) Line 1: use L001, Column B.

(2) Line 2: "PSVC FLTS," followed by "CARRIER ROUTES" or "CR-RTS" and "SCHEME" or "SCH."

b. 5-Digit Scheme. Required for packages of flats on pallets. Not permitted for sacks on pallets. May contain only Presorted rate packages for the same 5-digit scheme under L001. Scheme sort must be done for all 5-digit

scheme destinations. For all 5-digit destinations that are not part of a scheme, prepare 5-digit pallets under 3.3d.

(1) Line 1: use L001, Column B.

(2) Line 2: "PSVC FLTS 5D" followed by "SCHEME" or "SCH."

c. 5-Digit Carrier Routes. Required for sacks and packages. May contain only Carrier Route rate mail for the same 5-digit ZIP Code.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M031 for military mail).

(2) Line 2: "PSVC FLTS" followed by "CARRIER ROUTES" or "CR-RTS."

d. 5-Digit. Required for sacks and packages. May contain only Presorted rate mail for the same 5-digit ZIP Code.

(1) Line 1: use city, state abbreviation, and 5-digit ZIP Code destination (see M031 for military mail).

(2) Line 2: "PSVC FLTS 5D."

\* \* \* \* \*

### 4.0 PACKAGE REALLOCATION TO PROTECT SCF PALLET FOR PERIODICALS FLATS AND IRREGULAR PARCELS AND STANDARD MAIL FLATS ON PALLET

[Amend 4.1 to delete references to optional sort levels.]

### 4.1 Basic Standards

Package reallocation to protect the SCF pallet is an optional preparation method (if performed, package reallocation must be done for the complete mailing job); only PAVE-certified presort software may be used to create pallets under the standards in 4.2 through 4.4. The software will determine if mail for an SCF service area would fall beyond the SCF level if all merged 5-digit scheme, 5-digit scheme carrier routes, 5-digit scheme, merged 5-digit, 5-digit carrier routes, 5-digit, or 3-digit pallets are prepared. Reallocation is performed only when there is mail for the SCF service area that would fall beyond the SCF pallet level (e.g., to an ADC or BMC pallet). The amount of mail required to bring the mail that would fall beyond the SCF level back to an SCF-level pallet level is the minimum volume that will be reallocated, where possible.

\* \* \* \* \*

### M100 First-Class Mail (Nonautomation)

\* \* \* \* \*

### M130 Presorted First-Class Mail

#### 1.0 BASIC STANDARDS

\* \* \* \* \*

### 1.6 Co-Traying With Automation Rate Mail

Except for automation rate mailings prepared under the tray-based preparation option in M820.3.0, if a single mailing job contains an automation rate mailing and a Presorted rate mailing, then it must be presorted under the co-traying standards in M910.

\* \* \* \* \*

### M600 Standard Mail (Nonautomation)

### M610 Presorted Standard Mail

#### 1.0 BASIC STANDARDS

#### 1.1 All Mailings

In addition to the preparation standards in 2.0 through 5.0, the following basic standards must be met for all Presorted rate mailings:

\* \* \* \* \*

[Amend item f to change the cross-reference from 1.3 to 1.4:]

f. Subject to 1.4, letter-size piece must be prepared in trays and, unless palletized, flat-size pieces must be prepared in sacks.

\* \* \* \* \*

[Renumber current 1.2 through 1.6 as 1.3 through 1.7, respectively. Add new 1.2 to read as follows:]

### 1.2 Additional Standards for Sacked Flats Mailing Jobs Containing More Than One Mailing

The following standards apply:

a. If the mailing job contains a carrier route mailing, an automation rate mailing, and a Presorted rate mailing, then it must be prepared under one of the following options: 1) the carrier route mailing must be prepared under E630 and M620 and the automation rate and Presorted rate mailings must be prepared under M910; or 2) all three mailings in the mailing job must be prepared under M920.

b. If the mailing job contains an automation rate mailing and a Presorted rate mailing, then it must be prepared under the co-sacking standards in M910.

c. If the mailing job contains a carrier route mailing and a Presorted rate mailing, then it must be separately sacked under M610 and M620 or prepared using the merged sacking option under M920.

d. If the mailing job contains a carrier route mailing and an automation rate mailing, then it must be separately sacked under M620 and M820 or prepared using the merged sacking option under M920.

\* \* \* \* \*

[Delete renumbered 1.6 (former 1.5), Co-Sacking with Automation Rate Mail, and renumber 1.7 as 1.6.]

[Amend 1.6 to read as follows:]

#### **1.6 Merged Containerization of Flat-Size Carrier Route, Automation Rate, and Presorted Rate Mail**

Under the optional preparation method in M920, 5-digit packages of Presorted flats must be co-sacked with packages of carrier route flats prepared under M620 and with 5-digit packages of automation flats prepared under M820 in merged 5-digit scheme sacks and merged 5-digit sacks. Under the optional preparation methods in M920, M930, or M940, 5-digit packages of Presorted flats must be copalletized with packages of carrier route rate flats prepared under M620 and with 5-digit packages of automation rate flats prepared under M820 on merged 5-digit scheme pallets and merged 5-digit pallets. See 1.2a for information on when preparation under M920 may be required.

\* \* \* \* \*

#### **M620 Enhanced Carrier Route Standard Mail**

##### **1.0 BASIC STANDARDS**

\* \* \* \* \*

[Amend 1.6 to read as follows:]

#### **1.6 Merged Containerization of Flat-Size Carrier Route, Automation Rate, and Presorted Rate Mail**

Under the optional preparation method in M920, packages of carrier route rate flats must be co-sacked with 5-digit packages of Presorted rate flats prepared under M610 and with 5-digit packages of automation rate flats prepared under M820 in merged 5-digit scheme sacks and merged 5-digit sacks. Under the optional preparation methods in M920, M930, or M940, packages of carrier route rate flats must be copalletized with 5-digit packages of Presorted flats prepared under M610 and with 5-digit packages of automation rate flats prepared under M820 on merged 5-digit scheme pallets and merged 5-digit pallets.

\* \* \* \* \*

[Note: The current DMM has the preparation standards for flats and irregulars combined into one section. Because the L001 scheme sort would be required for flats but not for irregulars, the current single section has been split into two sections: one for flats and one for irregulars. The standards for irregulars are included here because they have been renumbered and reorganized; however, there are no proposed changes to the mail preparation for irregular parcels.]

[Amend 4.0 to add the required L001 scheme sort for flats to read as follows:]

#### **4.0 SACK PREPARATION—FLATS**

##### **4.1 Required Sack Minimums**

A sack must be prepared when the quantity of mail for a required presort destination reaches either 125 pieces or 15 pounds of pieces, whichever occurs first, subject to these conditions:

a. For identical-weight pieces, a single-piece weight of 1.92 ounces (0.12 pound) results in 125 pieces weighing 15 pounds. Identical-weight pieces weighing 1.92 ounces (0.12 pound) or less must be prepared using the 125-piece minimum; those that weigh more must be prepared using the 15-pound minimum.

b. For nonidentical-weight pieces, mailers must either use the minimum that applies to the average piece weight for the entire mailing (divide the net weight of the mailing by the number of pieces; the resulting average single-piece weight determines whether the 125-piece or 15-pound minimum applies) or sack by the actual piece count or mail weight for each sack, if documentation can be provided with the mailing that shows (specifically for each sack) the number of pieces and their total weight.

c. Mailers must note on the accompanying postage statement whether they applied the 125-piece ("PCS") or 15-pound ("WT") threshold or the method in 4.1b ("BOTH").

##### **4.2 Sack Preparation**

Sack size, preparation sequence, and labeling:

a. Carrier route: required (minimum of 125 pieces/15 pounds, smaller volume not permitted).

(1) Line 1: use 5-digit ZIP Code destination of packages, preceded for military mail by the prefixes under M031.

(2) Line 2: "STD FLTS ECRWSS" or "STD FLTS ECRWSH" or "STD FLTS ECRLOT" as applicable, followed by the route type and number.

b. 5-digit scheme carrier routes: required (no minimum).

(1) Line 1: use L001, column B.  
(2) Line 2: "STD FLTS CR—RTS SCH." c. 5-digit carrier routes: required (no minimum).

(1) Line 1: use 5-digit ZIP Code destination of packages, preceded for military mail by the prefixes under M031.

(2) Line 2: "STD FLTS CR—RTS."

[Renumber current 5.0, Residual Pieces, as 6.0. Add new 5.0 to read as follows:]

#### **5.0 SACK PREPARATION—IRREGULAR PARCELS**

##### **5.1 Required Sack Minimums**

A sack must be prepared when the quantity of mail for a required presort destination reaches either 125 pieces or 15 pounds of pieces, whichever occurs first, subject to these conditions:

a. For identical-weight pieces, a single-piece weight of 1.92 ounces (0.12 pound) results in 125 pieces weighing 15 pounds. Identical-weight pieces weighing 1.92 ounces (0.12 pound) or less must be prepared using the 125-piece minimum, those that weigh more must be prepared using the 15-pound minimum.

b. For nonidentical-weight pieces, mailers must either use the minimum that applies to the average piece weight for the entire mailing (divide the net weight of the mailing by the number of pieces; the resulting average single-piece weight determines whether the 125-piece or 15-pound minimum applies) or sack by the actual piece count or mail weight for each sack, if documentation can be provided with the mailing that shows (specifically for each sack) the number of pieces and their total weight.

c. Mailers must note on the accompanying postage statement whether they applied the 125-piece ("PCS") or 15-pound ("WT") threshold or the method in 4.1b ("BOTH").

##### **5.2 Sack Preparation**

Sack size, preparation sequence, and labeling:

a. Carrier route: required (minimum of 125 pieces/15 pounds, smaller volume not permitted).

(1) Line 1: use 5-digit ZIP Code destination of packages, preceded for military mail by the prefixes under M031.

(2) Line 2: "STD IRREG WSS" or "STD IRREG WSH" or "STD IRREG LOT" as applicable, followed by the route type and number.

b. 5-digit carrier routes: required (no minimum).

(1) Line 1: use 5-digit ZIP Code destination of packages, preceded for military mail by the prefixes under M031.



(2) Line 2: "STD IRREG CR-RTS."

\* \* \* \* \*

#### **M700 Package Services**

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#### **M720 Bound Printed Matter**

\* \* \* \* \*

#### **M723 Carrier Route Bound Printed Matter**

\* \* \* \* \*

#### **2.0 REQUIRED PREPARATION—FLATS**

\* \* \* \* \*

#### **2.3 Sack Preparation**

\* \* \* \* \*

[Amend item b to show that the L001 scheme sort is required, not optional.]

b. 5-digit scheme carrier routes: required (no minimum); for Line 1, use L001, Column B.

\* \* \* \* \*

#### **M800 All Automation Mail**

\* \* \* \* \*

#### **M820 Flats**

##### **1.0 BASIC STANDARDS**

\* \* \* \* \*

[Amend 1.9 to show that co-traying is required for First-Class Mail and co-sacking is required for Standard Mail.]

#### **1.9 Required Co-Traying and Co-Sacking with Presorted Rate Mail**

The following standards apply:

a. First-Class Mail: Except for mailings prepared under the tray-based preparation option in 3.0, if the mailing job contains an automation rate mailing and a Presorted rate mailing, then it must be prepared under the co-traying standards in M910.

b. Periodicals:

(1) If the mailing job contains a carrier route mailing, an automation rate mailing, and a Presorted rate mailing, then it must be prepared under one of the following options: (1) the carrier route mailing must be prepared under E230 and M220 and the automation rate and Presorted rate mailings must be prepared under M910; or (2) all three mailings in the mailing job must be prepared under M920.

(2) If the mailing job contains an automation rate mailing and a Presorted rate mailing, then it must be prepared under the co-sacking standards in M910.

(3) If the mailing job contains a carrier route mailing and an automation rate mailing, then it must be separately sacked under M220 and M820 or

prepared using the merged sack option under M920.

c. Standard Mail:

(1) If the mailing job contains a carrier route mailing, an automation rate mailing, and a Presorted rate mailing, then it must be prepared under one of the following options: (1) the carrier route mailing must be prepared under E630 and M620 and the automation rate and Presorted rate mailings must be prepared under M910; or (2) all three mailings in the mailing job must be prepared under M920.

(2) If the mailing job contains only an automation rate mailing and a Presorted rate mailing, then it must be prepared under the co-sacking standards in M910.

(3) If the mailing job contains only a carrier route mailing and an automation rate mailing, then it must be separately sacked under M620 and M820 or prepared using the merged sack option under M920.

[Amend 1.10 to read as follows:]

#### **1.10 Optional Merged Containerization with Presorted and Carrier Route Flats**

When the conditions and preparation standards in M920, M930, or M940 are met, 5-digit packages of Presorted, automation, and carrier route rate mail that are part of the same mailing job may be combined on merged 5-digit scheme sacks or pallets and merged 5-digit sacks or pallets. Packages co-sacked or copalletized must be part of the same mailing job and mail class.

\* \* \* \* \*

#### **M900 Advanced Preparation Options for Flats**

#### **M910 Co-Traying and Co-Sacking Packages of Automation and Presorted Mailings**

##### **1.0 FIRST-CLASS MAIL**

##### **1.1 Basic Standards**

[Amend the introduction of 1.1 to show that co-traying is required:]

Packages of flat-size pieces in an automation rate mailing prepared under M820.2.0 must be co-trayed with packages of flat-size pieces in a Presorted rate mailing under the following conditions:

\* \* \* \* \*

##### **3.0 STANDARD MAIL**

##### **3.1 Basic Standards**

[Amend the introduction of 3.1 to show that co-sacking is required:]

Packages of flats in an automation rate mailing must be co-sacked with

packages of flats in a Presorted rate mailing under the following conditions:

\* \* \* \* \*

#### **M920 Merged Containerization of Packages Using the City State Product**

\* \* \* \* \*

##### **2.0 STANDARD MAIL**

##### **2.1 Basic Standards**

Carrier route packages of flats in a carrier route rate mailing may be placed in the same sack or on the same pallet as 5-digit packages of flats from an automation rate mailing and 5-digit packages of flats from a Presorted rate mailing under the following conditions:

\* \* \* \* \*

[Amend item f to delete references to the optional L001 scheme sort. This sort is now required.]

f. If sortation under this section is performed, merged 5-digit sacks or pallets must be prepared for all 5-digit ZIP Codes with an "A" or "C" indicator in the City State Product that permits such preparation when there is enough volume for the 5-digit ZIP Code to prepare that sack or pallet.

\* \* \* \* \*

[Amend item k to delete references to the optional L001 scheme sort. This sort is now required:]

k. The packages from each separate mailing must be sorted together into sacks (co-sacked) under 2.3 and 2.4 or on pallets (copalletized) under 2.5 using presort software that is PAVE-certified.

\* \* \* \* \*

[Delete 2.4 and 2.6. Renumber 2.5 (sacking with scheme sort) as 2.4. Renumber 2.6 (palletizing with scheme sort) as 2.5. Amend the title and introduction of renumbered 2.4 to read as follows:]

#### **2.4 Sack Preparation and Labeling with Scheme (L001) Sort**

Mailers must prepare sacks in the following manner and sequence. All carrier route packages must be placed in sacks under 2.4a through 2.4e as described below. Mailers must prepare all merged 5-digit scheme sacks, 5-digit scheme carrier routes sacks, and merged 5-digit sacks that are possible in the mailing based on the volume of mail to the destination using L001 and the Carrier Route Indicators field in the City State Product. Mailers must label sacks according to the Line 1 and Line 2 information listed below and under M032.

\* \* \* \* \*



[Amend the title and introduction of renumbered 2.5 to read as follows:]

## **2.5 Pallet Preparation and Labeling with Scheme (L001) Sort**

Mailers must prepare pallets in the manner and sequence listed below and under M041. Mailers must prepare all merged 5-digit scheme, 5-digit scheme carrier routes, 5-digit scheme, and merged 5-digit pallets that are possible in the mailing based on the volume of mail to the destination using L001 and/or the City State Product. Mailers must label pallets according to the Line 1 and Line 2 information listed below and under M031.

\* \* \* \* \*

## **M930 Merged Palletization of Packages Using a 5% Threshold**

\* \* \* \* \*

## **2.0 STANDARD MAIL**

### **2.1 Basic Standards**

[Amend the introduction to read as follows:]

Carrier route packages of flats in a carrier route rate mailing may be placed on the same pallet as 5-digit packages of flats from an automation rate mailing and 5-digit packages of flats from a Presorted rate mailing under the following conditions:

\* \* \* \* \*

[Amend items d and e to delete references to the optional L001 scheme sort.]

d. Automation rate 5-digit packages and Presorted rate 5-digit packages may be copalletized with carrier route packages only when the pieces in the 5-digit packages do not exceed the 5% threshold described in 2.3. Pallets of mail sorted in this manner are called "merged 5-digit scheme" pallets.

e. If sortation under this section is performed, merged 5-digit scheme pallets must be prepared whenever there is enough volume of carrier route and 5-digit packages under M041 and 2.3 to prepare such pallets.

\* \* \* \* \*

[Amend item h to delete references to the optional L001 scheme sort.]

h. The packages from each separate mailing must be sorted together on pallets (copalletized) using presort software that is PAVE-certified.

\* \* \* \* \*

## **2.3 5% Threshold Standards**

[Amend the introduction to 2.3 to show that the L001 scheme sort is the only allowable sort:]

Mailers may place 5-digit packages with carrier route packages on the same merged 5-digit scheme and merged 5-digit pallet if all of the following conditions are met:

\* \* \* \* \*

[Delete 2.4. Renumber 2.5 (palletizing with scheme sort) as 2.4. Amend the title and introduction of renumbered 2.4 to read as follows:

## **2.4 Pallet Preparation and Labeling with Scheme (L001) Sort**

Mailers must prepare pallets of packages in the manner and sequence listed below and under M041. Mailers must prepare all merged 5-digit scheme, 5-digit scheme carrier routes, 5-digit scheme, and merged 5-digit pallets that are possible in the mailing based on the volume of mail to the destination using L001 and the 5% threshold. Mailers must label pallets according to the Line 1 and Line 2 information listed below and under M031.

\* \* \* \* \*

## **M940 Merged Palletization of Packages Using the City State Product and a 5% Threshold**

\* \* \* \* \*

## **2.0 STANDARD MAIL**

### **2.1 Basic Standards**

[Amend the introduction to read as follows:]

Carrier route packages of flats in a carrier route rate mailing may be placed on the same pallet as 5-digit packages of flats from an automation rate mailing and 5-digit packages of flats from a Presorted rate mailing under the following conditions:

\* \* \* \* \*

[Amend item f to delete references to the optional L001 scheme sort.]

f. If sortation under this section is performed, then merged 5-digit scheme pallets must be prepared whenever there is enough volume of carrier route and 5-digit packages under M041 to prepare such pallets using the criteria in 2.1e and the sortation criteria in 2.4.

\* \* \* \* \*

[Amend item j to delete references to the optional L001 scheme sort.]

j. The packages from each separate mailing must be sorted together on

pallets (copalletized) using presort software that is PAVE-certified.

\* \* \* \* \*

## **2.3 5% Threshold Standard**

[Amend the introduction to 2.3 to show that the L001 scheme sort is the only allowable sort:]

For 5-digit ZIP Codes with a "B" or "D" indicator in the City State Product, mailers may place 5-digit packages with carrier route packages on the same merged 5-digit scheme and merged 5-digit pallet if all of the following conditions are met:

\* \* \* \* \*

[Delete 2.4. Renumber 2.5 (palletizing with scheme sort) as 2.4. Amend the title and introduction to read as follows:]

## **2.4 Pallet Preparation and Labeling with Scheme (L001) Sort**

Mailers must prepare pallets of packages in the manner and sequence listed below and under M041. Mailers must prepare all merged 5-digit scheme, 5-digit scheme carrier routes, 5-digit scheme, and merged 5-digit pallets that are possible in the mailing based on the volume of mail to the destination using L001, the City State Product, and the 5% threshold. Mailers must label pallets according to the Line 1 and Line 2 information listed below and under M031.

\* \* \* \* \*

An appropriate amendment to 39 CFR Part 111 to reflect these changes will be published if the proposal is adopted.

**Stanley F. Mires,**

*Chief Counsel, Legislative.*

[FR Doc. 01-6510 Filed 3-15-01; 8:45 am]

**BILLING CODE 7710-12-U**

## **ENVIRONMENTAL PROTECTION AGENCY**

### **40 CFR Part 52**

**[AZ 078-0035; FRL-6954-7]**

### **Revisions to the Arizona State Implementation Plan, Arizona Department of Environmental Quality; Reopening of Comment Period**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule; reopening of comment period.

**SUMMARY:** EPA is reopening the comment period for action proposed on December 18, 2000 (65 FR 79037) regarding revision to the Arizona State Implementation Plan (SIP).

**DATES:** Any comments on this proposal must arrive by April 16, 2001.

**ADDRESSES:** Mail comments to Andy Steckel, Rulemaking Office Chief (Air-4), U.S. Environmental Protection

Agency, Region IX, 75 Hawthorne Street, San Francisco, CA 94105.

**FOR FURTHER INFORMATION CONTACT:** Al Petersen, Rulemaking Office (Air-4), U.S. Environmental Protection Agency, Region IX, (415) 744-1135.

**SUPPLEMENTARY INFORMATION:** On December 18, 2000, EPA proposed the following revision to the Arizona State Implementation Plan (SIP).

Local agency	Rule No.	Proposed action
Arizona Department of Environmental Quality .....	R18-2-702	Disapproval.

The proposed action provided a 30-day public comment period. In response to a request from Gallagher & Kennedy,

PA, submitted by letter on January 16, 2001, EPA is reopening the comment period for an additional 30 days.

Dated: March 5, 2001.

**Michael Schulz,**

*Acting Regional Administrator, Region IX.*

[FR Doc. 01-6568 Filed 3-15-01; 8:45 am]

**BILLING CODE 6560-50-P**

# Notices

Federal Register

Vol. 66, No. 52

Friday, March 16, 2001

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Viveash Fire Timber Salvage EIS—Santa Fe National Forest

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice of intent to prepare an environmental impact statement.

**SUMMARY:** The Santa Fe National Forest will prepare an environmental impact statement (EIS) on a proposal to harvest trees killed by the Viveash Fire. The Viveash Fire burned approximately 29,000 acres on the Pecos Ranger District in late May through early June of 2000. The purpose of the proposal is to harvest some of the fire killed timber and provide a variety of wood products through both commercial timber sales and non-commercial personal use permits. The EIS will be designed to satisfy the requirements of the National Environmental Policy Act (NEPA), 42 U.S.C. 4321–4370a, and the National Forest Management Act, 16 U.S.C. 1600–1614, and their respective implementing regulations.

**DATES:** Comments concerning the scope of the analysis should be received on or before April 14, 2001. The draft EIS is expected to be available for public review in June 2001. The final EIS is expected to be published in September 2001.

**ADDRESSES:** Submit written comments and suggestions on the proposal, or requests to be placed on the project mailing list, to Daniel A. Crittenden, District Ranger, Pecos-Las Vegas Ranger District, Santa Fe National Forest, P.O. Drawer 429, Pecos, NM, 87552.

**FOR FURTHER INFORMATION CONTACT:** Chris Napp, Viveash Project Coordinator (505) 757–6121; or [cnapp@fs.fed.us](mailto:cnapp@fs.fed.us).

**SUPPLEMENTARY INFORMATION:** The proposed action is to recover forest products—sawtimber, firewood, specialty products (vigas and latillas)—from trees killed by the Viveash Fire.

Specifically this includes removing up to 25 million board feet over 5,000 acres of the 29,000 acre fire, concentrating in areas with high volume per acre; removing trees in areas with high and moderate intensity burns only (trees 100% scorched or totally devoid of any green needles) except incidental removal of green trees where necessary; no new road construction (specified or temporary); concentrating harvest from areas with low susceptibility to soil erosion, compaction and water runoff. Resource protection measures will be included to protect resources such as snags, soils, heritage resources, water quality and wildlife.

Public scoping packages are expected to be sent out to those on the Viveash project mailing list in February or early March, 2001. A public scoping meeting will be held in the town of Pecos soon thereafter. A second public meeting in Pecos is planned shortly after issuance of the draft EIS.

#### Decision To Be Made

The Forest Service will prepare an EIS. The District Ranger of the Pecos/Las Vegas Ranger District, Santa Fe National Forest will decide whether or not to implement this project, and if so, in what manner.

#### Responsible Official

Daniel A. Crittenden, District Ranger Pecos/Las Vegas Ranger District, Santa Fe National Forest, P.O. Drawer 429, Pecos, New Mexico 87552, is the Responsible Official for this decision. He will document his decision in a Record of Decision.

#### Estimated Dates for Filing

The draft EIS is expected to be filed with the Environmental Protection Agency (EPA) and to be available for public review by July 15, 2001. At that time, EPA will publish a Notice of Availability of the draft EIS in the **Federal Register**. The comment period on the draft EIS will be 45 days from the date the EPA publishes the Notice of Availability in the **Federal Register**. It is very important that those interested in the management of this area participate at that time.

The final EIS is scheduled to be completed by October 2001. In the final EIS, the Forest Service is required to respond to comments and responses received during the comment period that pertain to the environmental

consequences discussed in the draft EIS and applicable laws, regulations and policies considered in making a decision regarding the proposal.

#### The Reviewers Obligation To Comment

The Forest Service believes it is important to give reviewers notice at this early stage of several court rulings related to public participation in the environmental review process. First, reviewers of draft environmental impact statements must structure their participation in the environmental review of the proposal so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp. v. NRDC*, 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the draft environmental impact statement may be waived or dismissed by the courts. *City of Angoon v. Hodel*, 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc. v. Harris*, 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the final environmental impact statement.

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Dated: March 7, 2001.

**Leonard Atencio,**

Forest Supervisor, Santa Fe National Forest.  
[FR Doc. 01–6511 Filed 3–15–01; 8:45 am]

**BILLING CODE 3410–11–M**

**DEPARTMENT OF AGRICULTURE****Rural Housing Service****Housing Demonstration Program**

**AGENCY:** Rural Housing Service, United States Department of Agriculture (USDA).

**ACTION:** Notice of fund availability for the Rural Housing Demonstration Program.

**SUMMARY:** The Rural Housing Service (RHS) announces the availability of housing funds for fiscal year (FY) 2001 for the Rural Housing Demonstration Program. For FY 2001, RHS has set aside \$3 million for the Innovative Demonstration Initiatives and is soliciting proposals for a Housing Demonstration program under section 506(b) of title V of the Housing Act of 1949. Under section 506(b), RHS may provide loans for innovative housing units and systems which do not meet existing published standards, rules, regulations, or policies. The intended effect is to increase the availability of affordable Rural Housing (RH) for low-income families through innovative designs and systems.

**EFFECTIVE DATE:** March 16, 2001.

**FOR FURTHER INFORMATION CONTACT:**

Gloria L. Denson, Senior Loan Specialist, Single Family Housing Direct Loan Division, RHS, U.S. Department of Agriculture, STOP 0783, 1400 Independence Ave. SW., Washington, DC 20250-0783, Telephone (202) 720-1474. (This is not a toll free number.)

**SUPPLEMENTARY INFORMATION:** Under current standards, regulations, and policies, some low-income rural families lack sufficient income to qualify for loans to obtain adequate housing. Section 506(b) of title V of the Housing Act of 1949, authorizes a housing demonstration program that could result in housing that these families can afford. The Congress of the United States made two conditions: (1) That the health and safety of the population of the areas in which the demonstrations are carried out will not be adversely affected, and (2) that the aggregate expenditures for the demonstration may not exceed \$10 million in any fiscal year.

Rural Development State Directors are authorized in FY 2001 to accept demonstration concept proposals from nonprofit and for profit organizations.

The objective of the demonstration programs is to test new approaches to offering housing under the statutory authority granted to the Secretary of Agriculture. Rural Development will be required to review each application for

completeness and accuracy; however, some demonstration programs may or may not be consistent with some of the provisions of our 7 CFR part 3550-Direct Single Family Housing Loans and Grants regulation. Under section 506(b) of the Housing Act of 1949, the Agency may provide loans for innovative housing design units and systems which do not meet existing published standards, rules, regulations, or policies.

The Equal Credit Opportunity Act and Title VIII provides that a program such as this be administered affirmatively so that individuals of similar low-income levels in the housing market area have housing choices available to them regardless of their race, color, religion, sex, national origin, familial status and handicap. Under Section 504 of the Rehabilitation Act of 1973 we must make reasonable accommodations to permit a person with disabilities to apply for the benefit from agency programs. Executive Order 12898 requires our Agency to conduct a Civil Rights Impact Analysis on each project prior to eligibility/loan approval. Also, the requirements of Executive Order 11246 are applicable regarding equal employment opportunity when the proposed contract exceeds \$10,000.

A completed application which has been determined to carry out the objectives of the program will be considered on a first come, first served basis based on the date a completed application is submitted. An application is considered complete only if the "Application for Approval of Housing Innovation" is complete in content, contains information related to the criteria and all applicable additional information required by the application form has been provided. All application packages must be in accordance with the technical management requirements and address the criteria in the Proposal Content. The application, Proposal Content and Criteria, and further information may be obtained from the Rural Development State office in your area. (See the State Office address list at the end of this notice or access the website at [http://www.rurdev.usda.gov/recd\\_map.html](http://www.rurdev.usda.gov/recd_map.html). Organizations that submit incomplete applications will be advised in writing of additional information needed for continued processing.

The following evaluation factors will not be weighted and are non-competitive. RHS, in its analysis of the proposals received, will consider whether the proposals will carry out the objectives of this demonstration effort in accordance with the following criteria:

**A. Housing Unit Concept**

1. A proposal must be well beyond the "idea" state. Sufficient testing must have been completed to demonstrate its feasibility. The proposal must be judged ready for full scale field testing in a rural setting.

2. Ability of the housing unit to provide for the protection of life, property, and for the safety and welfare of the consumer, general public and occupants through the design, construction, quality of materials, use, and maintenance of the housing unit.

3. Flexibility of the housing units in relation to varying types of housing and varying site considerations.

4. Flexibility of the housing unit concept, insofar as it provides the ability to adjust or modify unit size and arrangements, either during design or after construction.

5. Efficiency in the use of materials and labor, with respect to cost in place, the conservation of materials, and the effective use of labor skills. Potential for Self-Help Technical Assistance Grant applications.

6. Selection of materials for durability and ease of maintenance.

7. Concepts for the effective use of land and development.

**B. Organization Capabilities**

1. The experience and "know-how" of the proposed organization or individual to implement construction of the housing unit concept in relation to the requirements of RHS's housing programs.

2. The management structure and organization of the proposer.

3. The quality and diversity of management and professional talent proposed as "key individuals."

4. The management plan of how this effort will be conducted.

**C. Cost and Price Analysis**

1. The level of costs which are proposed, as they may compare with other proposals and be considered realistic for the efforts planned. Also, the quantity and level of detail in the information supplied.

2. Projected cost of "housing in place," with particular reference to housing for very low and low-income families.

An acceptable proposal will be sent by the State Director to the National office for concurrence by the RHS Administrator before the State Director may approve it. If the proposal is not selected, the State Director will so notify the applicant in writing, giving specific reasons why the proposal was not selected. The funds for the RH

Demonstration program are section 502 single family housing funds and are available to housing applicants who wish to purchase an approved demonstration dwelling. Funds cannot be reserved or guaranteed under the demonstration housing concept. There is no guarantee that a market exists for demonstration dwellings, and this does not ensure that an eligible loan applicant will be available for such a section 502 RH dwelling. If there is no available RHS eligible loan applicant, the RH demonstration program applicant will have to advance funds to complete the construction of the demonstration housing, with the risk that there may be no RHS applicant from which the builder will recover his or her development and construction costs.

This program or activity is listed in the Catalog of Federal Domestic Assistance under No. 10.410. For the reasons contained in 7 CFR part 3015, subpart V and RD Instruction 1940-J, "Intergovernmental Review of Rural Development Programs and Activities," this program or activity is excluded from the scope of Executive Order 12372, which requires intergovernmental consultation with State and local officials.

All interested parties must make a written request for a proposal package. The request must be made to the State Director in the State in which the proposal will be submitted; RHS will not be liable for any expenses incurred by respondents in the development and submission of applications.

The reporting requirements contained in this notice have been approved by the Office of Management and Budget (OMB) under Control Number 0575-0114.

Dated: March 12, 2001.

**James C. Alsop,**

*Acting Administrator, Rural Housing Service*

The following is an address list of Rural Development State Offices across the nation:

**Alabama**

Sterling Centre, 4121 Carmichael Road, Suite 601, Montgomery, AL 36106-3683, (334) 279-3400

**Alaska**

Suite 201, 800 W. Evergreen, Palmer, AK 99645-6539, (907) 761-7705

**Arizona**

Phoenix Corporate Center, 3003 N. Central Avenue, Suite 900, Phoenix, AZ 85012-2906, (602) 280-8700

**Arkansas**

Room 3416, 700 W. Capitol, Little Rock, AR 72201-3225, (501) 301-3200

**California**

Agency 4169, 430 G Street, Davis, CA 95616-4169, (530) 792-5800

**Colorado**

Room E100, 655 Parfet Street, Lakewood, CO 80215, (303) 236-2801

**Delaware & Maryland**

PO Box 400, 4607 S. DuPont Highway, Camden, DE 19934-9998, (302) 697-4300

**Florida & Virgin Islands**

PO Box 147010, 4440 NW 25th Place, Gainesville, FL 32614-7010, (352) 338-3400

**Georgia**

Stephens Federal Building, 355 E. Hancock Avenue, Athens, GA 30601-2768, (706) 546-2162

**Hawaii**

Room 311, Federal Building, 154 Waiianuenue Avenue, Hilo, HI 96720, (808) 933-8309

**Idaho**

Suite A1, 9173 W. Barnes Drive, Boise, ID 83709, (208) 378-5600

**Illinois**

Illini Plaza, Suite 103, 1817 S. Neil Street, Champaign, IL 61820, (217) 398-5235, (217) 398-5412 for automated answer

**Indiana**

5975 Lakeside Boulevard, Indianapolis, IN 46278, (317) 290-3100

**Iowa**

873 Federal Building, 210 Walnut Street, Des Moines, IA 50309, (515) 284-4663

**Kansas**

PO Box 4653, 1200 SW Executive Drive, Topeka, KS 66604, (785) 271-2700

**Kentucky**

Suite 200, 771 Corporate Drive, Lexington, KY 40503, (606) 224-7300

**Louisiana**

3727 Government Street, Alexandria, LA 71302, (318) 473-7920

**Maine**

PO Box 405, 967 Illinois Avenue, Suite 4, Bangor, ME 04402-0405, (207) 990-9110

**Massachusetts, Conn, Rhode Island**

451 West Street, Amherst, MA 01002, (413) 253-4300

**Michigan**

Suite 200, 3001 Coolidge Road, East Lansing, MI 48823, (517) 324-5100

**Minnesota**

410 AgriBank Building, 375 Jackson Street, St. Paul, MN 55101-1853, (651) 602-7800

**Mississippi**

Federal Building, Suite 831, 100 W. Capitol Street, Jackson, MS 39269, (601) 965-4316

**Missouri**

Parkade Center, Suite 235, 601

Business Loop 70 West, Columbia, MO 65203, (573) 876-0976

**Montana**

Unit 1, Suite B, PO Box 850, 900 Technology Boulevard, Bozeman, MT 59715, (406) 585-2580

**Nebraska**

Federal Building, Room 152, 100 Centennial Mall N, Lincoln, NE 68508, (402) 437-5551

**Nevada**

1390 S. Curry Street, Carson City, NV 89703-9910, (775) 887-1222

**New Jersey**

Tarnsfield Plaza, Suite 22, 790 Woodlane Road, Mt. Holly, NJ 08060, (609) 265-3600

**New Mexico**

Room 255, 6200 Jefferson Street, NE, Albuquerque, NM 87109, (505) 761-4950

**New York**

The Galleries of Syracuse, 441 S. Salina Street, Suite 357, Syracuse, NY 13202-2541, (315) 477-6400

**North Carolina**

Suite 260, 4405 Bland Road, Raleigh, NC 27609, (919) 873-2000

**North Dakota**

Federal Building, Room 208, 220 East Rosser, PO Box 1737, Bismarck, ND 58502-1737, (701) 530-2044

**Ohio**

Federal Building, Room 507, 200 N. High Street, Columbus, OH 43215-2418, (614) 255-2400

**Oklahoma**

Suite 108, 100 USDA, Stillwater, OK 74074-2654, (405) 742-1000

**Oregon**

Suite 1410, 101 SW Main, Portland, OR 97204-3222, (503) 414-3300

**Pennsylvania**

Suite 330, One Credit Union Place, Harrisburg, PA 17110-2996, (717) 237-2299

**Puerto Rico**

IBM Building-Suite 601, 654 Munos Rivera Avenue, Hato Rey, Puerto Rico 00918-6106, (787) 766-5095

**South Carolina**

Strom Thurmond Federal Building, 1835 Assembly Street, Room 1007, Columbia, SC 29201, (803) 765-5163

**South Dakota**

Federal Building, Room 210, 200 Fourth Street, SW, Huron, SD 57350, (605) 352-1100

**Tennessee**

Suite 300, 3322 W. End Avenue, Nashville, TN 37203-1084, (615) 783-1300

**Texas**

Federal Building, Suite 102, 101 S. Main, Temple, TX 76501, (254) 742-9700

**Utah**

Wallace F. Bennett Federal Building,

125 S. State Street, Room 4311, Post Office Box 11350, Salt Lake City, UT 84147-0350, (801) 524-4320  
 Vermont & New Hampshire  
 City Center, 3rd Floor, 89 Main Street, Montpelier, VT 05602, (802) 828-6000

Virginia  
 Culpeper Building, Suite 238, 1606 Santa Rosa Road, Richmond, VA 23229, (804) 287-1550

Washington  
 Suite B, 1835 Black Lake Blvd., SW, Olympia, WA 98512-5715, (360) 704-7740

West Virginia  
 Federal Building, Room 320, 75 High Street, Morgantown, WV 26505-7500, (304) 284-4860

Wisconsin  
 4949 Kirschling Court, Stevens Point, WI 54481, (715) 345-7600

Wyoming  
 Federal Building, Room 1005, 100 East B, PO Box 820, Casper, WY 82602, (307) 261-6300

[FR Doc. 01-6556 Filed 3-15-01; 8:45 am]

BILLING CODE 3410-XV-P

## DEPARTMENT OF COMMERCE

### Census Bureau

#### Generic Clearance for Questionnaire Pretesting Research

**ACTION:** Proposed Collection; comment request.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before May 15, 2001.

**ADDRESSES:** Direct all written comments to Madeleine Clayton, Departmental Forms Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at mclayton@doc.gov).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should

be directed to Theresa J. DeMaio, U.S. Census Bureau, Room 3127, FOB 4, Washington, DC 20233-9150, (301) 457-4894.

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The Census Bureau plans to request an extension of the current OMB approval to conduct a variety of small-scale questionnaire pretesting activities under this generic clearance. A block of hours will be dedicated to these activities for each of the next three years. OMB will be informed in writing of the purpose and scope of each of these activities, as well as the time frame and the number of burden hours used. The number of hours used will not exceed the number set aside for this purpose.

This research program will be used by the Census Bureau and survey sponsors to improve questionnaires and procedures, reduce respondent burden, and ultimately increase the quality of data collected in the Census Bureau censuses and surveys. The clearance will be used to conduct pretesting of decennial, demographic, and economic census and survey questionnaires prior to fielding them. Pretesting activities will involve one of the following methods for identifying measurement problems with the questionnaire or survey procedure: cognitive interviews, focus groups, respondent debriefing, behavior coding of respondent/interviewer interaction, split panel tests.

##### II. Method of Collection

Mail, telephone, face-to-face; paper-and-pencil, CATI, CAPI, Internet

##### III. Data

*OMB Number:* 0607-0725.

*Form Number:* Various.

*Type of Review:* Regular.

*Affected Public:* Individuals or Households, Farms, Business or other for-profit.

*Estimated Number of Respondents:* 5,500.

*Estimated Time Per Response:* 1 hour.

*Estimated Total Annual Burden*

*Hours:* 5,500.

*Estimated Total Annual Cost:* There is no cost to respondents, except for their time to complete the questionnaire.

*Respondent's Obligation:* Voluntary.

*Legal Authority:* 13 U.S.C. 131, 141, 142, 161, 181, 182, 193, and 301.

##### IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have

practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 13, 2001

**Madeleine Clayton,**

*Departmental Forms Clearance Officer, Office of Management and Organization.*

[FR Doc. 01-6610 Filed 3-15-01; 8:45 am]

BILLING CODE 3510-07-P

## DEPARTMENT OF COMMERCE

### Bureau of Export Administration

#### Foreign Availability Procedures and Criteria

**ACTION:** Notice and Request for Comments.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before May 15, 2001.

**ADDRESSES:** Direct all written comments to Madeleine Clayton, Departmental Clearance Officer, Office of the Chief Information Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW., Washington DC 20230.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Ms. Dawnielle Battle, BXA ICB Liaison, Office of Planning, Evaluation and Management, Department of Commerce, Room 6883, 14th & Constitution Avenue, NW., Washington, DC 20230.

**SUPPLEMENTARY INFORMATION:****I. Abstract**

This information is collected in order to respond to requests by Congress and industry to make foreign availability determinations. Exporters are urged to submit data regarding the foreign product's technical characteristics and the availability of these products in foreign markets to determine if similar U.S. products should be decontrolled.

**II. Method of Collection**

Written submission.

**III. Data**

*OMB Number:* 0694-0004.

*Form Number:* Not Applicable.

*Type of Review:* Regular submission for extension of a currently approved collection.

*Affected Public:* Individuals, businesses or other for-profit and not-for-profit institutions.

*Estimated Number of Respondents:* 2.

*Estimated Time Per Response:* 255 hours per response.

*Estimated Total Annual Burden Hours:* 510.

*Estimated Total Annual Cost:* No start-up capital expenditures.

**IV. Request for Comments**

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: March 13, 2001.

**Madeleine Clayton,**

*Departmental Forms Clearance Officer, Office of the Chief Information Officer.*

[FR Doc. 01-6611 Filed 3-15-01; 8:45 am]

**BILLING CODE 3510-JT-P**

**DEPARTMENT OF COMMERCE****Bureau of Export Administration****Request for Comment**

**TITLE:** Written Assurances for Exports of Technical Data Under License Exception TSR.

**ACTION:** Notice and Request for Comments.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before May 15, 2001.

**ADDRESSES:** Direct all written comments to Madeleine Clayton, Departmental Clearance Officer, Office of the Chief Information Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW., Washington DC 20230.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Dawnielle Battle, BXA ICB Liaison, Office of Planning, Evaluation and Management, Department of Commerce, Room 6883, 14th & Constitution Avenue, NW., Washington, DC, 20230.

**SUPPLEMENTARY INFORMATION:****I. Abstract**

U.S. exporters are required to receive letters of assurance from their foreign importers stating that they will not export or reexport technical data to destinations outlined in the E.A.R. unless they have received prior authorization from BXA.

**II. Method of Collection**

Submitted in written form.

**III. Data**

*OMB Number:* 0694-0023.

*Form Number:* N/A.

*Type of Review:* Regular submission for extension of a currently approved collection.

*Affected Public:* Individuals, businesses or other for-profit and not-for-profit institutions.

*Estimated Number of Respondents:* 200.

*Estimated Time Per Response:* 30 minutes per response.

*Estimated Total Annual Burden Hours:* 104.

*Estimated Total Annual Cost:* No start-up or capital expenditures.

**IV. Request for Comments**

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: March 13, 2001.

**Madeleine Clayton,**

*Departmental Forms Clearance Officer, Office of the Chief Information Officer.*

[FR Doc. 01-6612 Filed 3-15-01; 8:45 am]

**BILLING CODE 3510-33-P**

**DEPARTMENT OF COMMERCE****Bureau of Export Administration****Procedure for Voluntary Self-Disclosure of Violations of the EAR**

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

**DATES:** Written comments must be submitted on or before May 15, 2001.

**ADDRESSES:** Direct all written comments to Madeleine Clayton, Departmental Clearance Officer, Office of the Chief Information Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW., Washington, DC 20230.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or

copies of the information collection instrument(s) and instructions should be directed to Ms. Dawnielle Battle, BXA ICB Liaison, Office of Planning, Evaluation and Management, Department of Commerce, Room 6883, 14th & Constitution Ave., NW., room 6877, Washington, DC 20230.

#### SUPPLEMENTARY INFORMATION:

##### I. Abstract

The information is needed to detect violations of the Export Administration Act and Regulations to determine if an investigation or prosecution is necessary and to reach settlement with violators. The respondents are likely to be export-related businesses.

##### II. Method of Collection

Written submission.

##### III. Data

OMB Number: 0694-0058.

Form Number: Not applicable.

Type of Review: Regular submission for extension of a currently approved collection.

Affected Public: Individuals, businesses or other for-profit and not-for-profit institutions.

Estimated Number of Respondents: 80.

Estimated Time Per Response: 10 hours per response.

Estimated Total Annual Burden Hours: 800.

Estimated Total Annual Cost: No start-up or capital expenditures.

##### IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Dated: March 13, 2001.

**Madeleine Clayton,**

*Departmental Forms Clearance Officer, Office of the Chief Information Officer.*

[FR Doc. 01-6613 Filed 3-15-01; 8:45 am]

BILLING CODE 3510-DT-U

#### DEPARTMENT OF COMMERCE

##### International Trade Administration

[A-570-848]

##### Notice of Extension of Time Limit for Preliminary Results of Antidumping Duty New Shipper Reviews: Freshwater Crawfish Tail Meat From the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Department of Commerce

EFFECTIVE DATE: March 16, 2001.

##### FOR FURTHER INFORMATION CONTACT:

Abdelali Elouaradia, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-1374.

##### The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act) are to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department's regulations are to 19 CFR part 351 (2000).

##### Background

On September 29, 2000, and in accordance with section 751(a)(2)(B) of the Act and 19 CFR 351.214(c), the Department received timely requests from China Kingdom Import & Export Co., Ltd., Shouzhou Huaxiang Foodstuffs Co., Ltd., Coastal (Jiang Su) Foods Co., Ltd. and Shanghai Taoen International Trading Co., Ltd. for the initiation of new shipper reviews of this antidumping duty order which has a September anniversary month and a March semiannual anniversary month. On November 6, 2000, the Department published its initiation of these new shipper reviews for the period September 1, 1999 through August 31, 2000 (65 FR 66525).

##### Extension of Time Limits for Preliminary Results

Due to the complexities enumerated in the memorandum from Barbara E. Tillman to Joseph A. Spetrini, dated March 9, 2001, we find that this case is

extraordinarily complicated and thus are unable to make a preliminary determination by the current deadline of April 29, 2001. Therefore, in accordance with section 751(a)(2)(B)(iv) of the Act and section 351.214(i)(2) of the Department's regulations, the Department is extending the time period for issuing the preliminary results of these new shipper reviews by 120 days, until no later than August 27, 2001.

Dated: March 9, 2001.

**Joseph A. Spetrini,**

*Deputy Assistant Secretary, AD/CVD Enforcement Group III.*

[FR Doc. 01-6597 Filed 3-15-01; 8:45 am]

BILLING CODE 3510-DS-P

#### DEPARTMENT OF COMMERCE

##### National Institute of Standards and Technology

[Docket No. 000609171-1047-02]

RIN 0693-ZA38

##### Manufacturing Extension Partnership Program

AGENCY: National Institute of Standards and Technology (NIST), Commerce.

ACTION: Notice of availability of funds.

**SUMMARY:** The National Institute of Standards and Technology invites proposals from qualified organizations for funding projects which provide manufacturing extension services to small- and medium-sized manufacturers in the United States. These projects correspond to the Manufacturing Technology Centers component of the Manufacturing Extension Partnership (MEP). Proposals are invited for the expansion of manufacturing extension service capacity within 5 discrete geographic areas in the United States. The first area encompasses the entirety of the state of Alaska. The second area encompasses the entirety of the state of Hawaii. The third area encompasses the entirety of the state of Arizona. The fourth area encompasses the entirety of the state of New Mexico. The fifth area encompasses the entirety of the state of Nevada. All organizations meeting the eligibility requirements provided herein are invited to submit proposals. This includes existing MEP manufacturing extension centers.

Manufacturing extension centers must be affiliated with a U.S.-based not-for-profit institution or organization. MEP interprets not-for-profit organizations to include universities and state and local governments. As these states had previous MEP centers, applicants are required to provide 66⅔% or more of



the operating costs for providing these manufacturing extension services.

**DATES:** Proposals from qualified applicants must be received at the address below by no later than 5:00 p.m. Eastern Standard Time May 15, 2001. Selection of awards will be made in June 2001.

**ADDRESSES:** Applicants must submit one signed original and three (3) copies of their proposal along with a Standard Form 424, 424-A, and 424-B (Rev 7/97), Form CD-511 (Rev 7/91), and Form CD-346 to the National Institute of Standards and Technology, Manufacturing Extension Partnership, 100 Bureau Drive, Stop 4800, Building 301, Room C100, Gaithersburg, MD 20899-4800. Plainly mark on the outside of the package that it contains a manufacturing extension center proposal.

**FOR FURTHER INFORMATION CONTACT:** For information regarding this announcement, contact Margaret Phillips of the Manufacturing Extension Partnership by calling (301) 975-5020; or by mailing information requests to the National Institute of Standards and Technology, Manufacturing Extension Partnership, 100 Bureau Drive, Stop 4800, Building 301, Room C100, Gaithersburg, MD 20899-4800. Information packets, which include background materials on MEP, existing centers and the necessary application forms, should be requested via a one page fax sent to (301) 963-6556. Please include name, organization, mailing address, telephone number, and fax number on this request. Information is also available on-line at [www.mep.nist.gov](http://www.mep.nist.gov).

**SUPPLEMENTARY INFORMATION:**

*Catalog of Federal Domestic Assistance Name and Number:* The catalog number for the award of Manufacturing Technology Centers funds in the Catalog of Federal Domestic Assistance is 11.611.

**Background**

In accordance with the provisions of Section 5121 of the Omnibus Trade and Competitiveness Act of 1988 (Public Law 100-418), codified in 15 U.S.C. § 278k, and final rule, 15 CFR 290, published September 17, 1990, and the amendment published May 2, 1994, NIST will provide assistance for the creation and support of manufacturing extension centers. The objective of these centers is to enhance productivity, technological performance, and strengthen the global competitiveness of small- and medium-sized U.S.-based manufacturing firms.

These manufacturing extension centers will become part of the MEP national system of extension service providers. Currently, the MEP national system consists of over 400 centers and field offices located throughout the United States and Puerto Rico. Information regarding MEP and these centers is provided in the information packet that can be obtained as explained above or on-line at [www.mep.nist.gov](http://www.mep.nist.gov).

**Funding Availability**

It is anticipated that approximately \$4.3 million will be available to support manufacturing extension centers under this program. The funding level for individual awards is not prescribed. The funding requested by the applicant should be directly related to the level of activity of the center, which is function of the number of manufacturers in the designated service region, and to the availability of applicant-provided cash and in-kind contributions to be used as cost share.

**Invitation for Proposals**

Proposals must be received at the address listed above by May 15, 2001.

**Award Period**

The projects awarded under this program will have a budget and performance period of one year. These projects may be renewable on an annual basis subject to the review requirements described in 15 CFR 290.8. Renewal of these projects shall be at the sole discretion of NIST and shall be based upon satisfactory performance, priority of the need for the service, existing legislative authority, and availability of funds. Although the MEP regulation (15 CFR part 290) indicates that Centers are not eligible for MEP funding after six years, this requirement is no longer in effect. Public Law 105-239 amended the MEP's organic legislation to authorize MEP to fund Centers for more than six years under specified circumstances.

**Cost Share Requirements**

A cost sharing contribution from the applicant is required. The applicant must provide 66⅔% or more of the total capital, operating and maintenance costs for the center, as all of these states have had previously existing MEP centers. The applicant's share of the center expenses may include cash and in-kind contributions. However, at least 50% of the applicant's total cost share (cash plus in-kind) must be in cash. The source of the cost share, both cash and in-kind, must be documented in the budget submitted in the proposal.

In all cases, a contribution will only be treated as cash cost share if the center

director has suitable authority and discretion to control its expenditure. Acceptable cash cost share, which must come from non-federal sources, includes:

- Dollar contributions from state, county, city, industrial or other sources
- Income from fees charged for services performed
- Revenue from licensing, royalties, dividends, and capital gains
- Contributions of full-time personnel from other organizations
- Other contributions as approved by NIST

To qualify as in-kind cost share, the claimed items must be directly related to the tasks to be accomplished and must be utilized solely for the center activities, or the cost share must be prorated based upon the percentage of time they are used for these activities. Acceptable in-kind cost share includes:

- Contributions of full-time personnel for which the center director lacks suitable authority and discretion to qualify as cash cost share
- Contributions of part-time personnel from other organizations
- Contributions of equipment, software, rental value of office, laboratory or other space
- Other contributions as approved by NIST

In addition, recipients are required to comply with the regulations found at 15 CFR 14.23.

**Proposal Content**

The proposal must, at a minimum, include the following:

A. An executive summary of the proposed project, consistent with the Evaluation Criteria stated in this notice.

B. A description of the proposed project, sufficient to permit evaluation of the proposal, in accordance with the proposal Evaluation Criteria stated in this notice.

C. A detailed budget for the proposed project which breaks out all expenses for year 1 of operation and identifies all sources of funds to pay these expenses.

D. A budget outline for annual costs and sources of funds for potential years 2 through 5 and beyond. It is expected, especially for newly created centers, that year one costs are lower because of a ramp-up of operations from start-up to the point where the center is fully operational and services are being provided. If such a ramp-up of operations is to occur, this should be reflected in the budget outline for years 2 through 5 and beyond. A detailed budget and budget narrative will be required prior to each of years 2 through 5.

E. A description of the qualifications of key personnel who will be assigned to work on the proposed project.

F. A statement of work that discusses the specific tasks to be carried out, including a schedule of measurable events and milestones.

G. A Standard Form 424, 424-A, and 424-B (Rev 7/97) prescribed by 15 CFR Part 14 (OMB Circular A-110), Form CD-511, Certification Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying, and Form CD-346, Applicant For Funding Assistance/Name Check. The SF 424 and CD series of forms will not be considered part of the page count of the proposal.

In addition, the proposal must contain the requirements identified in 15 CFR 290.5(a)(3), which are:

A. A plan for the allocation of intellectual property rights associated with any invention or copyright which may result from the involvement in the Center's technology transfer or research activities consistent with the conditions of 15 CFR 290.9.

B. A statement which provides adequate assurances that the host organization will contribute the required cost share. (Although the MEP regulation, 15 CFR 290.5(a)(3)(ii), states that applicants should provide evidence that the proposed Center will be self-supporting after six years, this requirement is no longer in effect, as indicated above.)

C. A statement describing linkages to industry, government, and educational organizations within its service region.

D. A statement defining the initial service region including a statement of the constituency to be served and the level of service to be provided, as well as outyear plans.

E. A statement agreeing to focus the mission of the Center on technology transfer activities and not to exclude companies based on state boundaries.

F. A proposed plan for the annual evaluation of the success of the Center by the Program, including appropriate criteria for consideration, and weighting of those criteria.

G. A plan to focus the Center's technology emphasis on areas consistent with NIST technology research programs and organizational expertise.

H. A description of the planned Center sufficient to permit NIST to evaluate the proposal in accordance with section 290.6 of the MEP regulations.

#### Proposal Format

The proposal must not exceed 25 typewritten pages in length. The

proposal must contain both technical and cost information. The proposal page count shall include every page, including pages that contain words, table of contents, executive summary, management information and qualifications, resumes, figures, tables, and pictures. All proposals shall be printed such that pages are single-sided, with no more than fifty-five (55) lines per page. Use 21.6 x 27.9 cm (8½" x 11") paper or A4 metric paper. Use an easy-to-read font of not more than about 5 characters per cm (fixed pitch font of 12 or fewer characters per inch or proportional font of point size 10 or larger). Smaller type may be used in figures and tables, but must be clearly legible. Margins on all sides (top, bottom, left and right) must be at least 2.5 cm. (1"). The applicant may submit a separately bound document of appendices containing other supporting information. The proposal should be self-contained and not rely on the appendices for meeting criteria. Excess pages in the proposal will not be considered in the evaluation. Applicants must submit one signed original plus three (3) copies of the proposal.

#### Manufacturing Extension Centers

##### a. Project Objective

The objective of the projects funded under this program is to provide manufacturing extension services to small- and medium-sized manufacturers in the United States. These services are provided through the coordinated efforts of a regionally-based manufacturing extension center and local technology resources. The management and operational structure of the manufacturing extension center is not prescribed, but should be based upon the characteristics of the manufacturers in the region and locally available resources. The center should include plans for integration into the MEP national system and linkages to appropriate national resources.

The focus of the center is to provide those manufacturing extension services required by the small- and medium-sized manufacturers in their service using the most cost effective sources for those services. It is not the intent of this program that centers perform research and development.

##### b. Evaluation Criteria

All required proposal will be evaluated and rated on the basis of the following criteria by an impartial review panel. Each proposal should address all four evaluation criteria, which are assigned equal weighting.

(1) *Identification of Target Firms in Proposed Region.* Does the proposal define an appropriate service region with a large enough population of target firms of small- and medium-sized manufacturers that the applicant understands and can serve, and which is not presently served by an existing center?

(i) Market Analysis. Demonstrated understanding of the service region's manufacturing base, including business size, industry types, product mix, and technology requirements.

(ii) Geographical Location. Physical size, concentration of industry, and economic significance of the service region's manufacturing base. Geographical diversity of the centers will be a factor in evaluation of proposals; a proposal for a center located near an existing center may be considered only if the proposal is unusually strong and the population of manufacturers and the technology to be addressed justify it.

(2) *Technology Resources.* Does the proposal assure strength in technical personnel and programmatic resources, full-time staff, facilities, equipment, and linkages to external sources of technology?

(3) *Technology Delivery Mechanisms.* Does the proposal clearly and sharply define an effective methodology for delivering advanced manufacturing technology to small- and medium-sized manufacturers?

(i) Linkages. Development of effective partnerships or linkages to third parties such as industry, universities, nonprofit economic organizations, and state governments who will amplify the center's technology delivery to reach a large number of clients in its service region.

(ii) Program Leverage. Provision of an effective strategy to amplify the center's technology delivery approaches to achieve the proposed objectives as described in 15 CFR 290.3(e).

(4) *Management and Financial Plan.* Does the proposal define a management structure and assure management personnel to carry out development and operation of an effective center?

(i) Organizational Structure. Completeness and appropriateness of the organizational structure, and its focus on the mission of the center. Assurance of full-time top management of the center.

(ii) Program Management. Effectiveness of the planned methodology or program management.

(iii) Internal Evaluation. Effectiveness of the planned continuous internal evaluation of program activities.

(iv) Plans for Financial Matching. Demonstrated stability and duration of the applicants funding commitments as well as the percentage of operating and capital costs guaranteed by the applicant. Identification of matching fund sources and the general terms of the funding commitments.

(v) Budget. Suitability and focus of the applicant's detailed one-year budget and budget outline for years 2–5 and beyond.

#### **Eligibility Criteria**

- Eligible applicants for these projects must be affiliated with a non-profit institution or organization and may be consortia of non-profits institutions.
- The applicant must provide the necessary cost share as specified above.

#### **Proposal Selection Process**

Proposal evaluation and selection will consist of four principal phases: proposal qualification, proposal review, site visits and award determination.

##### *a. Proposal Qualification*

All proposals will be reviewed by NIST to assure compliance with the proposal content as described in 15 CFR 290.5 and other basic provisions of this notice. Proposals that satisfy these requirements will be designated as qualified proposals. Non-qualified proposals will not be evaluated and will be returned to the applicant.

##### *b. Proposal Review*

NIST will appoint an evaluation panel, consisting of one non-Federal Government employee and at least two Federal Government employees, to conduct an independent and objective review and evaluation of all qualified proposals in accordance with the evaluation criteria set forth in this notice. Based upon this review, the panel will deliberate, and each panelist will rank the proposals based on the scores in relation to the evaluation criteria, as a basis for selecting a group of finalists to be site visited.

##### *c. Site Visits*

Finalists will be notified and a day, time, and location for a site visit will be established. The panel will review finalists again on site, based on the evaluation criteria. Subsequently, the panel will deliberate again, and each panelist will rank the proposals again by assigning numeric scores based on the evaluation criteria, assessing equal weight to each of the four criteria. Based upon these rank scores, the panel will submit recommendations to the Director of NIST, or a designee, for final award

recommendation to the NIST Grants Officer.

##### *d. Award Determination*

the Director of NIST, or a designee, shall make final recommendation of whether an award should be made to the proposing organization based on a review of the panel's adherence to program objectives and program procedures. the final approval of the selected applications and award of cooperative agreements will be made by the NIST Grants Officer based on compliance with program requirements and whether the recommended applicants appear competently managed, responsible, and committed to achieving project objectives. The decision of the Grants Officer is final.

#### **Paperwork Reduction Act**

The Standard Form 424 and other Standard Forms in this application kit are subject to the requirements of the Paperwork Reduction Act and have been approved by OMB under Control Numbers 0348–0043, 0348–0044, 0038–0040, and 0348–0046. Proposals are subject to the requirements of the Paperwork Reduction Act and have been approved by OMB under Control Number 0693–0032.

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection, subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

#### **Additional Requirements**

##### *(a) Federal Policies and Procedures*

Recipients and sub-recipients are subject to all Federal laws and Federal and NIST policies, regulations, and procedures applicable to Federal financial assistance awards, including 15 CFR part 14, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, Other Non-Profit, and Commercial Organizations.

##### *(b) Indirect Costs*

Regardless of any approved indirect cost rate applicable to the award, the maximum amount of the indirect costs for which DOC will reimburse the recipient shall be the lesser of:

- (1) The Federal share of the total allocable indirect costs are based on the negotiated rate with the cognizant Federal agency as established by audit or negotiation; or
- (2) The line item amount for the Federal share of indirect costs dollar

contained in the approved budget of the award.

##### *(c) Pre-Award Activities.*

Applicants (or their institutions) who incur any costs prior to an award being made do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal assurance that may have been received, there is no obligation on the part of NIST to cover pre-award costs.

##### *(d) Delinquent Federal Debts*

No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either:

- (1) The delinquent account is paid in full;
- (2) A negotiated repayment schedule is established and at least one payment is received; or
- (3) Other arrangements satisfactory to NIST are made.

##### *(e) Past Performance*

Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

##### *(f) Name Check Review*

All non-profit applicants will be subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing criminal charges such as fraud, theft, perjury, or other matters which significantly reflect on the applicant's management honesty or financial integrity. Form CD–346 must be completed for all personnel with key programmatic or fiduciary responsibilities.

##### *(g) Primary Applicant Certification*

All primary applicants must submit a completed Form CD–511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying," and the following explanations must be provided.

(1) *Non Procurement Debarment and Suspension.* Prospective participants (as defined at 15 CFR part 26, section 105) are subject to 15 CFR part 26, "Nonprocurement Debarment and Suspension" and the related section of the certification form prescribed above applies;

(2) *Drug-free Workplace.* Recipients (as defined at 15 CFR part 26, Section 605) are subject to 15 CFR Part 26, Subpart F, "Government-wide Requirements for Drug-Free Workplace

(Grants)” and the related section of the certification form prescribed above applies;

(3) *Anti-lobbying*. Persons (as defined at 15 CFR part 28, section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, “Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions,” and the lobbying section of the certification form prescribed above applies to applicants/bids for grants, cooperative agreements, and contracts for more than \$100,000, and loans and loan guarantees for more than \$150,000, or the single family maximum mortgage limit for affected programs, whichever is greater; and

(4) *Anti-lobbying Disclosures*. Any applicant that has paid or will pay for lobbying using any funds must submit an SF-LLL, “Disclosure of Lobbying Activities,” as required under 15 CFR part 28, Appendix B.

*(h) Lower Tier Certifications*

Recipients shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD-512, “Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions and Lobbying” and disclosure form, SF-LLL, “Disclosure of Lobbying Activities.” Form CD-512 is intended for the use of recipients and should not be transmitted to NIST. SF-LLL submitted by any tier recipient or sub-recipient should be submitted to NIST in accordance with the instructions contained in the award document.

*(i) False Statements*

A false statement on an application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

*(j) Purchase of American-Made Equipment and Products.*

Applicants are hereby notified that they are encouraged, to the greatest extent practicable, to purchase American-made equipment and products with the funding provided under this program.

*(k) North American Free Trade Agreement Patent Notification Procedures*

Pursuant to Executive Order 12889, the Department of Commerce (DoC) is required to notify the owner of any valid patent covering technology whenever the DoC or its financial assistance

recipient, without making a patent search, knows (or has demonstrable reasonable grounds to know) that technology covered by a valid United States patent has been or will be used without a license from the owner. Applicants selected for awards under this program are required to comply with this executive order.

*(l) Intergovernmental Review*

Applications under this program are not subject to the requirements of Executive Order 12372, “Intergovernmental Review of Federal Programs”.

*(m) No Obligation for Future Funding.*

If an application is accepted for funding, DoC has no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of NIST.

**Program Execution**

*(a) Type of Funding Instrument*

The formal agreement between NIST and the applicant will be in the form of a cooperative agreement. Under this agreement, the NIST MEP will have substantial interactions with the applicant in planning and executing this project. This will include the following:

- Assisting in developing required plans
- Providing access to standard manufacturing extension and related tools
- Facilitating partnering with appropriate organizations both within and outside of the MEP national system
- Defining measures for evaluation of performance
- Direct involvement in helping to understand, define, and resolve problems in the center’s operations

*(b) Operating Plan*

All recipients of awards are required to submit an Operating Plan within ninety (90) days of the project start date. The Operating Plan is a more detailed statement of work based on project objectives and activities the applicant will undertake to achieve the objectives and incorporates recommendations provided by the evaluation panel and the NIST Program Officer. The Operating Plan must be reviewed and approved by NIST and will be incorporated into the cooperative agreement by amendment. Operating Plan guidelines will be distributed to award recipients.

*(c) Project Reporting*

Quarterly reports will be submitted to the NIST Program Officer no later than thirty (30) days after the end of each calendar quarter of the award year. The information provided is used to characterize the projects, develop detailed case studies, and evaluate individual examples of outcomes. Quarterly reporting instructions will be distributed to award recipients.

*Executive Order Statement:* This funding notice was determined to be “not significant” for purposes of Executive Order 12866.

Dated: March 8, 2001.

**Harry Hertz,**

*Acting Director.*

[FR Doc. 01-6599 Filed 3-15-01; 8:45 am]

**BILLING CODE 3510-13-M**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**National Oyster Disease Research Program and Gulf Oyster Industry Initiative, and Aquatic Nuisance Species Research and Outreach: Requests for Proposals for FY 2001; Correction**

**AGENCY:** National Sea Grant College Program, National Oceanic and Atmospheric Administration, Department of Commerce.

**ACTION:** Notice; correction.

**SUMMARY:** The National Sea Grant College Program (Sea Grant) published two documents in the **Federal Register** of March 5, 2001, entitled “National Oyster Disease Research Program and Gulf Oyster Industry Initiative: Request for Proposals” (pages 13295–13301) and “Aquatic Nuisance Species Research and Outreach: Request for Proposals for FY 2001” (pages 13310–13305). This notice corrects and revises the dates for submission of preproposals and proposals.

**FOR FURTHER INFORMATION CONTACT:** Leon Cammen 301-713-2435 Ext 136.

**Correction**

For the **Federal Register** notices entitled “National Oyster Disease Research Program and Gulf Oyster Industry Initiative: Request for Proposals” (March 5, 2001, Docket 990125030-1039-02, pages 13295–13301) and “Aquatic Nuisance Species Research and Outreach: Request for Proposals for FY 2001” (March 5, 2001, Docket 990125028-1050-02, pages 13301–13305), the correct timetable for

submission of preproposals and proposals is the following:

April 4, 2001, 5 pm (local time)—Preliminary proposals due at state Sea Grant Program, or at National Sea Grant Office if application is being submitted by a non Sea Grant College Program.

April 9, 2001, 5 pm (EST)—Preliminary proposals received at state Sea Grant Programs due at National Sea Grant Office.

May 30, 2001, 5 pm (local time)—Full proposals due at state Sea Grant Program, or at National Sea Grant Office if application is being submitted by a non Sea Grant College Program.

June 4, 2001, 5 pm (EST)—Full proposals received at state Sea Grant Programs due at National Sea Grant Office.

Dated: March 9, 2001.

**Louisa Koch,**

*Deputy Assistant Administrator, Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration.*

[FR Doc. 01-6608 Filed 3-15-01; 8:45 am]

**BILLING CODE 3510-KA-M**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[Docket No. 000522149-1059-02]

**RIN 0648-ZA87**

### Dean John A. Knauss Marine Policy Fellowship, National Sea Grant College Program

**AGENCY:** Office of Oceanic and Atmospheric Research, National Oceanic and Atmospheric Administration, Commerce.

**ACTION:** Notice.

**SUMMARY:** This notice announces that applications may be submitted for a Fellowship program which was initiated by the National Sea Grant Office (NSGO), NOAA, in fulfilling its broad educational responsibilities, to provide educational experience in the policies and processes of the Legislative and Executive Branches of the Federal Government to graduate students in marine and aquatic-related fields. The Fellowship program accepts applications once a year on or before May 1 for a one-year fellowship beginning February 1 of the following year. All applicants must submit an application to the local Sea Grant program in their state. Applicants from states not served by a Sea Grant program should obtain further information by contacting the Knauss Fellows Program Manager at the NSGO.

**DATES:** Deadlines vary from program to program, but are generally due early to mid-April. Contact your state's Sea Grant program for specific deadlines (see list below).

**ADDRESSES:** Applications should be addressed to your local Sea Grant program. Contact the appropriate state's Sea Grant program from the list below to obtain the mailing address or the address may be obtained on the web site <http://www.nsgo.seagrant.org/SGDirectors.html>.

**FOR FURTHER INFORMATION CONTACT:** Ms. Nikola Garber, Knauss Fellows Program Manager, National Sea Grant College Program, R/SG, NOAA, 1315 East-West Highway, Silver Spring, MD 20910, Tel. (301) 713-2431, ext. 124; e-mail: [nikola.garber@noaa.gov](mailto:nikola.garber@noaa.gov). Also call your nearest Sea Grant program or visit the web site <http://www.nsgo.seagrant.org/Knauss.html>.

### Sea Grant Programs

ALABAMA, Mississippi-Alabama Sea Grant Consortium (228) 875-9368  
ALASKA, University of Alaska (907) 474-7086  
CALIFORNIA, University of California, San Diego (858) 534-4440  
CALIFORNIA, University of Southern California (213) 821-1335  
CONNECTICUT, University of Connecticut (860) 405-9128  
DELAWARE, University of Delaware (302) 831-2841  
FLORIDA, University of Florida (352) 392-5870  
GEORGIA, University of Georgia (706) 542-5954  
HAWAII, University of Hawaii (808) 956-7031  
ILLINOIS, Purdue University (765) 494-3593  
INDIANA, Purdue University (765) 494-3593  
LOUISIANA, Louisiana Sea Grant (225) 388-6710  
MAINE, University of Maine (207) 581-1435  
MARYLAND, University of Maryland (301) 405-6371  
MASSACHUSETTS, Massachusetts Institute of Technology (617) 253-7131  
MASSACHUSETTS, Woods Hole Oceanographic Institution (508) 289-2557  
MICHIGAN, University of Michigan (734) 763-1437  
MINNESOTA, University of Minnesota (218) 726-8710  
MISSISSIPPI, Mississippi-Alabama Sea Grant Consortium (228) 875-9368  
NEW HAMPSHIRE, University of New Hampshire (603) 862-0122  
NEW JERSEY, New Jersey Marine Science Consortium (732) 872-1300 Ext. 21

NEW YORK, New York Sea Grant Institute, SUNY (631) 632-6905  
NORTH CAROLINA, North Carolina State University (919) 515-2454  
OHIO, Ohio State University, (614) 292-8949  
OREGON, Oregon State University (541) 737-2714  
PUERTO RICO, University of Puerto Rico (787) 832-3585  
RHODE ISLAND, University of Rhode Island (401) 874-6800  
SOUTH CAROLINA, South Carolina Sea Grant Consortium (843) 727-2078  
TEXAS, Texas A&M University (979) 845-3854  
VIRGINIA, Virginia Graduate Marine Science Consortium (804) 924-5965  
WASHINGTON, University of Washington (206) 543-6600  
WISCONSIN, University of Wisconsin-Madison (608) 262-0905

### SUPPLEMENTARY INFORMATION:

### Dean John A. Knauss Marine Policy Fellowship, National Sea Grant College Program

#### *Purpose of the Fellowship Program*

In 1979, the National Sea Grant Office (NSGO), NOAA, in fulfilling its broad educational responsibilities, initiated a program to provide a unique educational experience in the policies and processes of the Legislative and Executive Branches of the Federal Government to graduate students who have an interest in ocean, coastal and Great Lakes resources and in the national policy decisions affecting these resources. In 1987, Public Law 100-220 made the Sea Grant Federal Fellows Program a formal part of the National Sea Grant College Program Act. The recipients are designated Dean John A. Knauss Marine Policy Fellows pursuant to 33 U.S.C. 1127(b).

### Announcement

Fellows program announcements are sent annually to all participating Sea Grant institutions and campuses by the local Sea Grant program upon receipt of notice from the NSGO.

### Eligibility

Any student who, on May 1, 2001, is in a graduate or professional program in a marine or aquatic-related field at a United States accredited institution of higher education may apply to the NSGO through their local Sea Grant program. Applicants from states not served by a Sea Grant program should contact the Knauss Fellows Program Manager at the NSGO; subsequently, the applicant will be a referred to the appropriate Sea Grant Program. NOAA makes financial assistance funds

available to the Sea Grant programs nationwide to implement the fellowship program. The National Sea Grant program is listed in the *Catalog of Federal Domestic Assistance* under number 11.417: Sea Grant Support.

### How to Apply

Interested students should discuss this fellowship with their local Sea Grant Program Director. Applicants from states not served by a Sea Grant program should contact the Knauss Fellows program Manager at the NSGO; subsequently, the applicant will be a referred to the appropriate Sea Grant Program. Applications must be submitted with signature to the local Sea Grant program by the deadline set in the announcement (usually early to mid-April). Each Sea Grant program may select and forward to the NSGO no more than five (5) applicants based on criteria used by the NSGO in the national competition.

Selected applications are to be received in the NSGO from the sponsoring Sea Grant program, no later than 5:00 pm EST on May 1, 2001. The competitive selection process and subsequent notification to the Sea Grant programs will be completed by June 14, 2001.

### Stipend and Expenses

The local Sea Grant program receives and administers the overall grant of \$38,000 per student on behalf of each Fellow selected from their program. Of this grant, the local Sea Grant program provides \$32,000 to each Fellow for stipend and living expenses (per diem). The additional \$6,000 will be used to cover mandatory health insurance for the Fellow and moving expenses. In addition, any remaining funds shall be used during the Fellowship year, first to satisfy academic degree-related travel, and second for Fellowship-related travel.

Indirect costs are not allowable for the Fellowships, and Programs are not allowed to charge for any costs associated with the Fellowships, including placement week [15 CFR 917.11(e), National Sea Grant Program Funding Regulations]. No matching funds are required. During the fellowship (February 1, 2002—January 31, 2003), the host may provide supplemental funds for work-related travel by the fellow.

### Application

An application must include:

(1) Personal and academic curriculum vitae (not to exceed two pages using 12 pt. font).

(2) A personal education and career goal statement emphasizing the applicant's abilities and the applicant's expectations from the experience in the way of career development (1000 words or less). Placement preference in the Legislative or Executive Branches of the Government may be stated; this preference will be honored to the extent possible.

(3) Two letters of recommendation, including one from the student's major professor; if no major professor exists, the faculty person academically knowing the applicant best may be substituted.

(4) A letter of endorsement from the sponsoring Sea Grant Program Director.

(5) Official copy of all undergraduate and graduate student transcripts.

All applicants be evaluated solely on their application package according to the criteria listed above. Therefore, letters of endorsements from members of Congress, friends, relatives or others will not be accepted. Absolutely no prior contacts/arrangements are to be made with possible Host Offices.

### Selection Criteria

The selection criteria will include:

(1) Quality of the applicant's personal education and career goal statement.

(2) Endorsement/content of the applicant's Sea Grant program director, the applicant's major professor and second letter of recommendation.

(3) Strength of academic performance and diversity of educational background including extracurricular activities, awards and honors (from the curriculum vitae and transcripts).

(4) Experience in marine or aquatic-related fields, oral and written communications skills, and interpersonal abilities. Relative weights of the evaluation criteria are equal.

### Selection

Applicants will be individually reviewed and ranked, according to the criteria outlined above, by a panel appointed by the Director of the NSGO with input from the Sea Grant Association and the National Sea Grant Review Panel. The panel will include representation from the Sea Grant Association and the current, and possibly past, class of Fellows. Once the entire class is selected, based on the criteria listed, the Knauss Program Manager will group the top-ranked applicants in each category, legislative and executive, based upon the applicant's stated preference and/or judgement of the panel based upon material submitted. Academic discipline and geographic representation may be considered by the

National Sea Grant Office to provide overall balance. The number of fellows assigned to the Congress will be limited to 10.

### Federal Policies and Procedures

Fellows receive funds directly from their sponsoring Sea Grant program and are considered to be subrecipients of Federal assistance subject to all Federal laws and Federal and Commerce Department policies, regulations, and procedures applicable to Federal financial assistance awards.

### Past Performance

Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

### Pre-Award Activities

If applicants incur any costs prior to an award being made, they do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal or written assurance that may have been received, there is no obligation on the part of Department of Commerce to cover pre-award costs.

### No Obligation for Future Funding

If an application is selected for funding, the Department of Commerce has no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of Department of Commerce.

### Delinquent Federal Debts

Federal funds will not be awarded to a Fellows applicant who has an outstanding delinquent Federal debt or find until either:

- i. The delinquent account is paid in full,
- ii. A negotiated repayment schedule is established and at least one payment is received, or
- iii. Other arrangements satisfactory to Department of Commerce are made.

### Name Check Review

All non-profit and for-profit applicants are subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing criminal charges such as fraud, theft, perjury, or other matters which significantly reflect on the applicant's management honesty or financial integrity.

### Primary Application Certifications

All primary applicants must submit a completed Form CD-511, "Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying," and the following explanations are hereby provided:

#### *i. Nonprocurement Debarment and Suspension*

Prospective participants (as defined at 15 CFR Part 26, Section 105) are subject to 15 CFR Part 26, "Nonprocurement Debarment and Suspension" and the related section of the certification form prescribed above applies;

#### *ii. Drug-Free Workplace*

Grantees (as defined at 15 CFR part 26, section 605) are subject to 15 CFR part 26, Subpart F, "Government wide Requirements for Drug-Free Workplace (Grants)" and the related section of the certification form prescribed above applies;

#### *iii. Anti-Lobbying*

Persons (as defined at 15 CFR part 28, section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions," and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than \$100,000, and loans and loan guarantees for more than \$150,000; and

#### *iv. Anti-Lobbying Disclosures*

Any applicant that has paid or will pay for lobbying using any funds must submit an SF-LLL, "Disclosure of Lobbying Activities," as required under 15 CFT part 28, Appendix B.

### Tower Tier Certifications

Recipients shall require applicants/bidders for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed Form CD-512, "Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transactions and Lobbying" and disclosure form, SF-LLL, "Disclosure of Lobbying Activities." Form CD-512 is intended for the use of recipients and should not be transmitted to Department of Commerce. SF-LLL submitted by any tier recipient or subrecipients should be submitted to Department of Commerce in accordance

with the instructions contained in the award document.

### False Statements

A false statement on an application is grounds for denial or termination of funds and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

### Intergovernmental Review

Applications under this program are subject to Executive Order 12372, "Intergovernmental Review of Federal Programs."

### Minority Serving Institutions Statement

DOC/NOAA is strongly committed to broadening the participation of Historically Black Colleges and Universities (HBUC), Hispanic Serving Institutions (HSI), and Tribal Colleges and Universities (TCU) in its educational and research programs. The DOC/NOAA vision, mission, and goals are to achieve full participation by Minority Serving Institutions (MSI) in order to advance the development of human potential, to strengthen the Nation's capacity to provide high-quality education, and to increase opportunities for MSIs to participate in and benefit from Federal Financial Assistance programs. DOC/NOAA encourages all applicants to include meaningful participation of MSIs. Institutions eligible to be considered HBCU/MSIs are listed at the following Internet website: <http://www.ed.gov/offices/OCR/99minin.html>.

### Classification

Prior notice and an opportunity for public comments are not required by the Administrative Procedure Act or any other law for this notice concerning grants, benefits, and contracts. Therefore, a regulatory flexibility analysis is not required for purposes of the Regulatory Flexibility Act.

This action has been determined to be not significant for purposes of E.O. 12866.

This document contains a collection-of-information requirement subject to the Paperwork Reduction Act and which has been approved by OMB under Control Number 0648-0362. Public reporting burden for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including

suggestions for reducing this burden, to Ms. Nikola Garber (see **FOR FURTHER INFORMATION CONTACT** above).

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

Dated: March 13, 2001.

**Louisa Koch,**

*Deputy Assistant Administrator, Office of Oceanic and Atmospheric Research.*

[FR Doc. 01-6609 Filed 3-15-01; 8:45 am]

**BILLING CODE 3510-KA-M**

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## DEPARTMENT OF DEFENSE GENERAL SERVICES ADMINISTRATION NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0135]

### Submission for OMB Review; Comment Request Entitled Subcontractor Payments

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for public comments regarding an extension to an existing OMB clearance (9000-0135).

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Subcontractor Payments. A request for public comments was published at 65 FR 75244, December 1, 2000. No comments were received.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate



technological collection techniques or other forms of information technology.

**DATES:** Comments may be submitted on or before April 16, 2001.

**ADDRESSES:** Comments including suggestions for reducing this burden should be submitted to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat, 1800 F Street, NW., Room 4035, Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** John Blumenstein, Federal Acquisition Policy Division, GSA (202) 501-2373.

**SUPPLEMENTARY INFORMATION:**

**A. Purpose**

Part 28 of the FAR contains guidance related to obtaining financial protection against damages under Government contracts (e.g., use of bonds, bid guarantees, insurance etc.). Part 52 contains the texts of solicitation provisions and contract clauses. These regulations implement a statutory requirement for information to be provided by Federal contractors relating to payment bonds furnished under construction contracts which are subject to the Miller Act (40 USC 270a-270d). This collection requirement is mandated by section 806 of the National Defense Authorization Act for Fiscal Years 1992 and 1993 (Pub. L. 102-190), as amended by section 2091 of the Federal Acquisition Streamlining Act of 1994 (Pub. L. 103-335). The clause at 52.228-12, Prospective Subcontractor Requests for Bonds, implements section 806(a)(3) of Pub. L. 102-190, as amended, which specifies that, upon the request of a prospective subcontractor or supplier offering to furnish labor or material for the performance of a construction contract for which a payment bond has been furnished to the United States pursuant to the Miller Act, the contractor shall promptly provide a copy of such payment bond to the requestor.

In conjunction with performance bonds, payment bonds are used in Government construction contracts to secure fulfillment of the contractor's obligations under the contract and to assure that the contractor makes all payments, as required by law, to persons furnishing labor or material in performance of the contract. This regulation provides prospective subcontractors and suppliers a copy of the payment bond furnished by the contractor to the Government for the performance of a Federal construction contract subject to the Miller Act. It is expected that prospective subcontractors and suppliers will use

this information to determine whether to contract with that particular prime contractor. This information has been and will continue to be available from the Government. The requirement for contractors to provide a copy of the payment bond upon request to any prospective subcontractor or supplier under the Federal construction contract is contained in section 806(a)(3) of Pub. L. 102-190, as amended by sections 2091 and 8105 of Pub. L. 103-355.

**B. Annual Reporting Burden**

*Respondents:* 12,000.

*Responses Per Respondent:* 5.

*Total Responses:* 60,000.

*Hours Per Response:* .5.

*Total Burden Hours:* 30,000.

**Obtaining Copies of Proposals**

Requester may obtain a copy of the proposal from the General Services Administration, FAR Secretariat (MVRs), Room 4035, 1800 F Street, NW., Washington, DC 20405, telephone (202) 208-7312. Please cite OMB Control No. 9000-0135, Subcontractor Payments, in all correspondence.

Dated: March 12, 2001.

**Al Matera,**

*Acting Director, Federal Acquisition Policy Division.*

[FR Doc. 01-6544 Filed 3-15-01; 8:45 am]

**BILLING CODE 6820-34-U**

**DEPARTMENT OF DEFENSE  
GENERAL SERVICES  
ADMINISTRATION  
NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION**

**[OMB Control No. 9000-0090]**

**Submission for OMB Review;  
Comment Request Entitled Rights in  
Data and Copyrights**

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for public comments regarding an extension to an existing OMB clearance (9000-0090).

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Rights in Data and Copyrights. A request for public comments was published at 65 FR

75243 December 1, 2000. No comments were received.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

**DATES:** Comments may be submitted on or before April 16, 2001.

**ADDRESSES:** Comments including suggestions for reducing this burden, should be submitted to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat, 1800 F Street, NW., Room 4035, Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** John Blumenstein, Federal Acquisition Policy Division, GSA (202) 501-2373.

**SUPPLEMENTARY INFORMATION**

**A. Purpose**

Rights in Data is a regulation which concerns the rights of the Government, and organizations with which the Government contracts, to information developed under such contracts. The delineation of such rights is necessary in order to protect the contractor's rights to not disclose proprietary data and to insure that data developed with public funds is available to the public.

The information collection burdens and recordkeeping requirements included in this regulation fall into the following four categories.

(a) A provision which is to be included in solicitations where the proposer would identify any proprietary data he would use during contract performance in order that the contracting officer might ascertain if such proprietary data should be delivered.

(b) Contract clauses which, in unusual circumstances, would be included in a contract and require a contractor to deliver proprietary data to the Government for use in evaluation of work results, or is software to be used in a Government computer. These situations would arise only when the very nature of the contractor's work is comprised of limited rights data or restricted computer software and if the



Government would need to see that data in order to determine the extent of the work.

(c) A technical data certification for major systems, which requires the contractor to certify that the data delivered under the contract is complete, accurate and compliant with the requirements of the contract. As this provision is for major systems only, and few civilian agencies have such major systems, only about 30 contracts will involve this certification.

(d) The Additional Data Requirements clause, which is to be included in all contracts for experimental, developmental, research, or demonstration work (other than basic or applied research to be performed solely by a university or college where the contract amount will be \$500,000 or less). The clause requires that the contractor keep all data first produced in the performance of the contract for a period of three years from the final acceptance of all items delivered under the contract. Much of this data will be in the form of the deliverables provided to the Government under the contract (final report, drawings, specifications, etc.). Some data, however, will be in the form of computations, preliminary data, records of experiments, etc., and these will be the data that will be required to be kept over and above the deliverables. The purpose of such recordkeeping requirements is to insure that the Government can fully evaluate the research in order to ascertain future activities and to insure that the research was completed and fully reported, as well as to give the public an opportunity to assess the research results and secure any additional information. All data

covered by this clause is unlimited rights data paid for by the Government.

Paragraph (d) of the Rights in Data-General clause outlines a procedure whereby a contracting officer can challenge restrictive markings on data delivered. Under civilian agency contracts, limited rights data or restricted computer software is rarely, if ever, delivered to the Government. Therefore, there will rarely be any challenges. Thus, there is no burden on the public.

#### B. Annual Reporting Burden

*Respondents:* 1,100.

*Responses Per Respondent:* 1.

*Total Responses:* 1,100.

*Hours Per Response:* 2.7.

*Total Burden hours:* 2,970.

#### C. Annual Recordkeeping Burden

The annual recordkeeping burden is estimated as follows:

*Recordkeepers:* 9,000.

*Hours Per Recordkeeper:* 3.

*Total Recordkeeping Burden Hours:* 27,000.

#### Obtaining Copies of Proposals

Requester may obtain a copy of the proposal from the General Services Administration, FAR Secretariat (MVRs), Room 4035, 1800 F Street, NW., Washington, DC 20405, telephone (202) 208-7312. Please cite OMB Control No. 9000-0090, Rights in Data and Copyrights, in all correspondence.

Dated: March 12, 2001.

**Al Matera,**

*Acting Director, Federal Acquisition Policy Division.*

[FR Doc. 01-6545 Filed 3-15-01; 8:45 am]

**BILLING CODE 6820-34-U**

## DEPARTMENT OF ENERGY

### Office of Fossil Energy

[FE Docket No. 00-16-LNG, et al.]

#### Shell Na LNG, INC. (Formerly Coral LNG, Inc.), et al.; Orders Granting, Amending, and Terminating Authority to Import and Export Natural Gas

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of orders.

**SUMMARY:** The Office of Fossil Energy (FE) of the Department of Energy gives notice that during February 2001, it issued Orders granting, amending, and terminating authority to import and export natural gas, including LNG. These Orders are summarized in the attached appendix and may be found on the FE website at <http://www.fe.doe.gov>, or on the electronic bulletin board at (202) 586-7853. They are also available for inspection and copying in the Office of Natural Gas & Petroleum Import & Export Activities, Docket Room 3E-033, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on March 8, 2001.

**Clifford P. Tomaszewski,**

*Manager, Natural Gas Regulation, Office of Natural Gas & Petroleum Import & Export Activities, Office of Fossil Energy.*

## APPENDIX—ORDERS GRANTING IMPORT/EXPORT AUTHORIZATIONS

[DOE/FE Authority]

Order No.	Date issued	Importer/exporter FE Docket No.	Import volume	Export volume	Comments
1575-A ....	02-16-01	Shell NA LNG, Inc. (Formerly Coral LNG, Inc.) 00-16-LNG.	.....	.....	Name change to blanket authority.
901-A .....	02-20-01	Wisconsin Electric 93- 145-NG.	.....	.....	Vacation of long-term import authority.
1666 .....	02-20-01	Powerex Corp. 01-04-NG	14 Bcf		Import and export up to a combined total from and to Canada over a two-year term beginning on March 1, 2001, and extending through February 28, 2003.
1667 .....	02-20-01	Petro-Canada Hydrocarbons Inc. 01-03-NG.	300 Bcf .....	.....	Import from Canada over a two-year term beginning on March 4, 2001, and extending through March 3, 2003.
1668 .....	02-21-01	CanWest Gas Supply U.S.A., Inc. 01-05-NG.	400 Bcf		Import and export up to a combined total from and to Canada over a two-year term beginning March 1, 2001, and extending through February 28, 2003.
1669 .....	02-22-01	The Mead Corporation 01- 06-NG.	60 Bcf .....	.....	Import from Canada over two-year term beginning on March 10, 2001, and extending through March 9, 2003.

APPENDIX—ORDERS GRANTING IMPORT/EXPORT AUTHORIZATIONS—Continued  
[DOE/FE Authority]

Order No.	Date issued	Importer/exporter FE Docket No.	Import volume	Export volume	Comments
1670 .....	02-26-01	Stampeder Energy (U.S.) Inc. 01-07-NG.	10 BCF	100 Bcf	Import and export up to a combined total from and to Canada and Mexico, and to import LNG from any country over a two-year term beginning on March 1, 2001, and extending through February 28, 2003.

[FR Doc. 01-6571 Filed 3-15-01; 8:45 am]

BILLING CODE 6450-01-P

**DEPARTMENT OF ENERGY****Federal Energy Regulatory  
Commission**

[Docket No. RP97-13-004]

**East Tennessee Natural Gas Company;  
Notice of Negotiated Rate Filing**

March 12, 2001.

Take notice that on March 6, 2001, East Tennessee Natural Gas Company (East Tennessee), tendered for filing a Negotiated Rate Letter Agreement under Rate Schedule FT-A and attached as Appendix A to the filing. East Tennessee requests that the Commission grant all necessary waivers and approve the Negotiated Rate Letter Agreement to be effective November 1, 2000.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web

site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,***Secretary.*

[FR Doc. 01-6525 Filed 3-15-01; 8:45 am]

BILLING CODE 6717-01-M

**DEPARTMENT OF ENERGY****Federal Energy Regulatory  
Commission**

[Docket No. RP01-270-000]

**KO Transmission Company; Notice of  
Tariff Filing**

March 12, 2001.

Take notice that on March 7, 2001, KO Transmission Company (KO Transmission) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheet, bearing a proposed effective date of April 1, 2001:

**Ninth Revised Sheet No. 10**

KO Transmission states that the purpose of the filing is to revise its fuel retainage percentage consistent with Section 24 of the General Terms and Conditions of its Tariff. According to KO Transmission, Columbia Gas Transmission Corporation (Columbia) operates and maintains a portion of KO Transmission facilities pursuant to the Operating Agreement referenced in its Tariff at Original Sheet No. 7. Pursuant to that Operating Agreement, Columbia retains certain volumes associated with gas transported on behalf of KO Transmission.

On March 5, 2001, Columbia notified KO Transmission that under terms of the Operating Agreement, KO Transmission will be subject to a 1.39% retainage. Accordingly, KO Transmission states that the instant filing tracks this fuel retainage. KO Transmission also requests waiver from the Commission to allow the above tariff sheet to become effective on a date less than thirty days from the date of its filing.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the

Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with §§ 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,***Secretary.*

[FR Doc. 01-6530 Filed 3-15-01; 8:45 am]

BILLING CODE 6717-01-M

**DEPARTMENT OF ENERGY****Federal Energy Regulatory  
Commission**

[Docket Nos. RP01-237-001, RP01-220-001, and RP01-202-001]

**National Fuel Gas Supply Corporation;  
Notice of Proposed Changes in FERC  
Gas Tariff**

March 12, 2001.

Take notice that on March 6, 2001, National Fuel Gas Supply Corporation (National) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, Substitute First Revised Thirty-second Revised Sheet No. 9 and Substitute Thirty-second Revised Sheet No. 9 to supplement earlier filings National submitted in the above-captioned proceedings.

National states that the revised tariff sheets, to be effective on March 1, 2001,

and on February 1, 2001, respectively, are required to correct errors in the original filings caused by a computer program mistake. Further, National states that the correction which involves the IG quantities for the months of November and December, 2000, reduces the IG rate approved at Docket No. RP01-220-000 by one cent per Dth and increases the IG rate proposed at Docket No. RP01-237-000 by three cents per Dth.

National states that copies of this filing were served upon its current customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with § 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with § 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.200(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,**  
*Secretary.*

[FR Doc. 01-6528 Filed 3-15-01; 8:45 am]

**BILLING CODE 6717-01-M**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP01-269-000]

#### Natural Gas Pipeline Company of America; Notice of Proposed Changes in FERC Gas Tariff

March 12, 2001.

Take notice that on March 6, 2001, Natural Gas Pipeline Company of America (Natural) tendered for filing to be part of its FERC Gas Tariff, Sixth Revised Volume No. 1, certain tariff sheets listed on Appendix A to the filing, to be effective April 6, 2001.

Natural states that the purpose of this filing is to make several minor revisions

to its Tariff, including changes to the General Terms and Conditions and to several rate schedules. These changes correct or clarify several provisions of Natural's Tariff, remove or modify outdated provisions and provide Shippers with additional flexibility in the use of Rate Schedule NSS.

Natural states that copies of the filing have been mailed to its customers and interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See 18 CFR 385.200(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,**  
*Secretary.*

[FR Doc. 01-6529 Filed 3-15-01; 8:45 am]

**BILLING CODE 6717-01-M**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. RP00-2-005]

#### Overthrust Pipeline Company; Notice of Compliance Filing

March 12, 2001.

Take notice that on March 2, 2001, Overthrust Pipeline Company (Overthrust) tendered for filing as part of its FERC Gas Tariff, the following tariff sheets, with an effective date of April 1, 2001:

#### Original Volume No. 1

Eighth Revised Sheet No. 4

Eighth Revised Sheet No. 70

#### First Revised Volume No. 1-A

Nineteenth Revised Sheet No. 6

Overthrust's states that the filing is made in compliance with Commission letter order issued July 13, 2000, in Docket No. RP00-2-000.

Overthrust states that by letter order issued July 13, 2000, the Commission approved the March 24, 2000, Settlement of its rate case in Docket No. RP00-2-000.

Overthrust states that Paragraph III.A.(3)(a) of the Settlement provided that effective April 1, 2001, Overthrust's rates would be reduced by 10% to a \$2.1640/Dth reservation charge and a \$0.0712/Dth interruptible rate. Further, Overthrust states that the tariff sheets tendered with its filing implement the 10% rate reduction. No other changes are proposed.

Overthrust states that a copy of this filing has been served upon Overthrust's customers and the Wyoming Public Service Commission.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.200(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,**  
*Secretary.*

[FR Doc. 01-6526 Filed 3-15-01; 8:45 am]

**BILLING CODE 6717-01-M**

## DEPARTMENT OF ENERGY

Federal Energy Regulatory  
Commission

[Docket No. RP01-47-002]

Viking Gas Transmission Company;  
Notice of Compliance Filing

March 12, 2001.

Take notice that on February 12, 2001, Viking Gas Transmission Company (Viking) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1 the following tariff sheet to be effective February 1, 2001:

Substitute Original Sheet No. 33B

Viking states that the purpose of this filing is to comply with the Letter Order issued on January 31, 2001 in Docket No. RP01-47-001, 94 FERC ¶ 61,086. Accordingly, Viking is removing the \$100.00 transaction service charge and the provision that imposes transportation charges for imbalance trades.

Viking states that copies of this filing have been served upon each person or company named on the Commission's service list in the above-captioned proceeding, on Viking's jurisdictional customers and to affected state regulatory commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before March 19, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments, protest and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 85.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

David P. Boergers.

Secretary.

[FR Doc. 01-6527 Filed 3-15-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

Federal Energy Regulatory  
Commission

[Docket No. GT01-12-000]

Williston Basin Interstate Pipeline  
Company; Notice of Tariff Filing

March 12, 2001.

Take notice that on March 5, 2001, Williston Basin Interstate Pipeline Company (Williston Basin), tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following revised tariff sheet to become effective March 5, 2001:

Fourth Revised Sheet No. 376

Williston Basin states that it has revised the above-referenced tariff sheet found in section 48 of the General Terms and Conditions of its FERC Gas Tariff, Second Revised Volume No. 1, to rename a receipt point associated with its Pooling Service. Point ID No. 05066 is being renamed from (Bitter Creek-BFPL) to (LX-Bar). Such name change has no effect on Williston Basin's Pooling Service, but is being made simply to reflect a change in name to clearly identify the receipt point.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

David P. Boergers,

Secretary.

[FR Doc. 01-6523 Filed 3-15-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

Federal Energy Regulatory  
Commission

[Docket No. EG01-139-000, et al.]

NEO California Power LLC, et al.,  
Electric Rate and Corporate Regulation  
Filings

March 9, 2001.

Take notice that the following filings have been made with the Commission:

## 1. NEO California Power LLC

[Docket No. EG01-139-000]

Take notice that on March 6, 2001, NEO California Power LLC (NEO California) filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to section 32 of the Public Utility Holding Company Act of 1935 (PUHCA) and part 365 of the Commission's regulations.

As more fully explained in the application, NEO California is a limited liability company that will be engaged either directly or indirectly and exclusively in the business of owning and operating electric generation facilities located in California.

*Comment date:* March 30, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

## 2. LG&amp;E Power Monroe LLC

[Docket No. EG01-140-000]

Take notice that on March 6, 2001, LG&E Power Monroe (Power Monroe), a Delaware limited liability company with its principal place of business at 220 West Main Street, Louisville, Kentucky 40232, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

Power Monroe proposes to construct, own and operate three 170 megawatt combustion turbine electric generating units in Walton County, Georgia. The units are scheduled to be completed in March 2001 and to be in service by June 1, 2001. All capacity and energy from the plant will be sold exclusively at wholesale.

*Comment date:* March 30, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

**3. Effingham County Power, LLC**

[Docket No. EG01-141-000]

Take notice that on March 6, 2001, Effingham County Power, LLC, 411 Fayetteville Street Mall, Raleigh, NC 27602, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations. The applicant is a limited liability company that will engage directly or indirectly and exclusively in the business of owning and/or operating eligible facilities in the United States and selling electric energy at wholesale. The applicant proposes to own and operate an approximately 537 megawatt gas-fired combustion turbine. The applicant seeks a determination of its exempt wholesale generator status. All electric energy sold by the applicant will be sold exclusively at wholesale.

*Comment date:* March 30, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

**4. Rowan County Power, LLC**

[Docket No. EG01-142-000]

Take notice that on March 6, 2001, Rowan County Power, LLC, 411 Fayetteville Street Mall, Raleigh, NC 27602, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations. The applicant is a limited liability company that will engage directly or indirectly and exclusively in the business of owning and/or operating eligible facilities in the United States and selling electric energy at wholesale. The applicant proposes to own and operate an approximately 500 megawatt gas-fired combustion turbine. The applicant seeks a determination of its exempt wholesale generator status. All electric energy sold by the applicant will be sold exclusively at wholesale.

*Comment date:* March 30, 2001, in accordance with Standard Paragraph E at the end of this notice. The commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

**5. West Penn Power Company**

[Docket No. ER01-1404-000]

Take notice that on March 6, 2001, West Penn Power Company, dba Allegheny Power, filed an Addendum to its Electric Service Agreement with Allegheny Electric Cooperative, Inc. to add a delivery point.

An effective date for the new delivery point of February 21, 2001 is requested.

Copies of the filing have been provided to the public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the West Virginia Public Service Commission and all parties of record.

*Comment date:* March 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

**6. Mississippi Power Company**

[Docket No. ER01-1405-000]

Take notice that on March 6, 2001, Mississippi Power Company and Southern Company Services, Inc., its agent, tendered for filing a Service Agreement with South Mississippi Electric Power Association for the Wellman Delivery Point, pursuant to the Southern Companies' Electric Tariff, FERC Electric Tariff, First Revised Volume No. 4. The agreement will permit Mississippi Power to continue to provide wholesale electric service to South Mississippi Electric Power Association at the Wellman Delivery Point.

Copies of the filing were served upon South Mississippi Electric Power Association, the Mississippi Public Service Commission, and the Mississippi Public Utilities Staff.

*Comment date:* March 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

**7. Idaho Power Company**

[Docket No. ER01-1406-000]

Take notice that on March 6, 2001, Idaho Power Company (Idaho Power) filed a notice of termination of its Participation Agreement pursuant to section 18.3 of the California Power Exchange Corporation (PX) FERC Electric Service Tariff No. 2 (PX Tariff) with the PX. Idaho Power asserts that such notice should be sufficient to effect termination. If such notice is found to be insufficient by the Commission, Idaho Power states that it makes this filing to insure termination of said agreement.

Idaho Power requests any waivers as may be necessary to make termination of its Participation Agreement effective January 24, 2001.

Idaho Power states that this filing has been served on the PX.

*Comment date:* March 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

**8. California Independent System Operator Corporation**

[Docket No. ER01-1408-000]

Take notice that on March 6, 2001, the California Independent System Operator Corporation, tendered for filing a Participating Generator Agreement between the ISO and Mountain View Power Partners, L.L.C. for acceptance by the Commission.

The ISO states that this filing has been served on Mountain View Power Partners, L.L.C. and the California Public Utilities Commission.

The ISO is requesting waiver of the 60-day notice requirement to allow the Participating Generator Agreement to be made effective February 22, 2001.

*Comment date:* March 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

**9. MidAmerican Energy Company**

[Docket No. ER01-1409-000]

Take notice that on March 6, 2001, MidAmerican Energy Company (MidAmerican) filed with the Commission a Notice of Cancellation pursuant to Section 35.15 of the Commission's regulations, of a Firm Power Interchange Service Agreement dated November 17, 1987 between Iowa Public Service Company (a predecessor company of MidAmerican) and Union Electric Company (a predecessor company of Ameren Energy Company). This Agreement has been designated as MidAmerican Rate Schedule No. 78.

MidAmerican requests that the rate schedule be canceled effective 11:59 p.m. on May 31, 2001:

MidAmerican has mailed a copy of this filing to Ameren Energy, the Iowa Utilities Board, the Illinois Commerce Commission and the South Dakota Public Utilities Commission.

*Comment date:* March 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

**10. California Independent System Operator Corporation**

[Docket No. ER01-1410-000]

Take notice that on March 6, 2001, the California Independent System Operator Corporation, tendered for filing a Meter Service Agreement for ISO Metered Entities between the ISO and Mountain View Power Partners, L.L.C. for acceptance by the Commission.

The ISO states that this filing has been served on Mountain View Power Partners, L.L.C. and the California Public Utilities Commission.

The ISO is requesting waiver of the 60-day notice requirement to allow the Meter Service Agreement for ISO

Metered Entities to be made effective February 22, 2001.

*Comment date:* March 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 11. PacifiCorp

[Docket No. ER01-1411-000]

Take notice that PacifiCorp on March 6, 2001, tendered for filing in accordance with 18 CFR Part 35 of the Commission's Rules and Regulations, a Long-Term Firm Transmission Service Agreement with Idaho Power Company (Idaho) under PacifiCorp's FERC Electric Tariff, Second Revised Volume No. 11 (Tariff).

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

*Comment date:* March 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 12. Avista Energy, Inc.

[Docket No. ER01-1415-000]

Take notice that on March 6, 2001, Avista Energy, Inc. (Avista) filed a notice of termination pursuant to Section 4.2 of the Block Forward Participation Agreement between Avista and CalPX Trading Services (CTS) (CTS Participation Agreement).

Avista requests that the notice of termination be effective on February 8, 2001.

Avista states that this filing has been served on the CTS.

*Comment date:* March 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 13. PSI Energy, Inc.

[Docket No. ER01-1416-000]

Take notice that on March 6, 2001, PSI Energy, Inc. tendered for filing three substitute sheets to its Power Coordination Agreement with Wabash Valley Power Association, Inc.

This filing has been served on Wabash Valley Power Association, Inc.

*Comment date:* March 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 14. Richmond County Power, LLC

[Docket No. ER01-1417-000]

Take notice that on March 6, 2001, Richmond County Power, LLC tendered for filing an application for authorization to sell energy, capacity and ancillary services at market-based rates.

*Comment date:* March 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 15. Effingham County Power, LLC

[Docket No. ER01-1418-000]

Take notice that on March 6, 2001, Effingham County Power, LLC tendered for filing an application for authorization to sell power at market-based rates.

*Comment date:* March 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 16. Rowan County Power, LLC

[Docket No. ER01-1419-000]

Take notice that on March 6, 2001, Rowan County Power, LLC tendered for filing an application for authorization to sell power at market-based rates.

*Comment date:* March 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

### Standard Paragraphs

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, DC. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

**David P. Boergers,**

*Secretary.*

[FR Doc. 01-6520 Filed 3-15-01; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket Nos. CP98-150-000, CP98-150-002, and Docket No. CP98-151-000]

### Millennium Pipeline Company, L.P.; Columbia Gas Transmission Company; Notice of Availability of the Supplemental Draft Environmental Impact Statement for the Proposed Millennium Pipeline Project

March 12, 2001.

The staff of the Federal Energy Regulatory Commission (FERC or

Commission) has prepared a Supplemental Draft Environmental Impact Statement (SDEIS) on the natural gas pipeline facilities proposed by Millennium Pipeline Company, L.P. (Millennium) and Columbia Gas Transmission Company in the above-referenced dockets.

The SDEIS was prepared to satisfy the requirements of the National Environmental Policy Act. The staff concludes that if the Commission certifies the proposed Millennium Pipeline Project with all the recommended mitigation measures, the environmental impacts associated with constructing and operating the amended portions of the proposed project discussed in Part I of this SDEIS would have limited adverse environmental impact. Part II of this SDEIS provides analyses of a number of other aspects of the proposed project, and we note that additional mitigation measures would need to be included in the Commission certificate to address these aspects of the proposal. The SDEIS also evaluates alternatives to the proposal, including system alternatives. We note that other issues and environmental impacts were previously identified in our draft environmental impact statement (DEIS) issued on April 16, 1999. This SDEIS addresses only the issues where important information about the originally proposed Millennium Pipeline Project has been updated since we issued the DEIS.

Part I of the SDEIS addresses the potential environmental effects from construction and operation of the following proposed facilities:

- 22.7 miles of 24-inch-diameter pipeline in Westchester County, New York; and

- Five mainline valves.

Part II of the SDEIS addresses certain issues identified in comments we received on the DEIS, and includes issues associated with:

- The black dirt area in Orange County, New York;
- Water resources (e.g., ground and surface waters, Lake Erie, the Hudson River, and Catskill Aqueduct);
- Coastal zone management consistency;
- Route alternatives at the Hudson River; and
- Numerous specific route variations.

The purpose of the Millennium Pipeline Project would be to transport up to 700,000 decatherms per day and provide firm natural gas transportation service for nine shippers beginning on November 1, 2002.

The SDEIS will be used in the regulatory decision-making process at the FERC and may be presented as

evidentiary material in formal hearings at the FERC. While the period for filing interventions in this case has expired, motions to intervene out-of-time can be filed with the FERC in accordance with the Commission's Rules of Practice and Procedures, 18 CFR 385.214(d). Further, anyone desiring to file a protest with the FERC should do so in accordance with 18 CFR 385.211.

#### Comment Procedures and Public Meeting

Any person wishing to comment on the SDEIS may do so. To ensure consideration prior to a Commission decision on the proposal, it is important that we receive your comments before the date specified below. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send an original and two copies of your comments to: Secretary, Federal Energy Regulatory Commission, 888 First St., N.E., Room 1A, Washington, DC 20426;
- Label one copy of the comments for the attention of Gas Group 2, PJ11.2;
- Reference Docket No. CP98-150 et al.; and
- Mail your comments so that they will be received in Washington, DC on or before April 30, 2001.

Comments, protests and interventions may also be filed electronically via the Internet in lieu of paper. See 18 CFR 385.2001(a)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm> under the link to the User's Guide. Before you can file comments you will need to create an account which can be created by clicking on "Login to File" and then "New User Account."

In addition to written comments, we will hold a public meeting in the project area to receive comments on the SDEIS. Interested groups and individuals are encouraged to attend and present oral comments on the environmental impact described in the SDEIS. Transcripts of the meeting will be prepared.

The public meeting will begin at 7 p.m., and is scheduled as follows:

April 9, 2001; Ossining High School, 29 South Highland Ave., Ossining, New York 10562, 914-941-7700.

After these comments are reviewed, any significant new issues are investigated, and modifications are made to the SDEIS, a Final Environmental Impact Statement (FEIS) will be published and distributed by the staff. The FEIS will contain the staff's responses to timely comments filed on the SDEIS.

Comments will be considered by the Commission but will not serve to make

the commentor a party to the proceeding. Any person seeking to become a party to the proceeding must file a motion to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214).

Anyone may intervene in this proceeding based on this SDEIS. You must file your request to intervene as specified above. You do not need intervenor status to have your comments considered.

The SDEIS has been placed in the public files of the FERC and is available for distribution and public inspection at: Federal Energy Regulatory Commission, Public Reference and Files Maintenance Branch, 888 First Street, N.E., Room 2A, Washington, DC 20426, (202) 208-1371.

A limited number of copies are available from the Public Reference and Files Maintenance Branch identified above. In addition, copies of the SDEIS have been mailed to Federal, state and local agencies, public interest groups, individuals who have requested the SDEIS, newspapers, and parties to this proceeding.

In addition, this notice of availability of the SDEIS will also serve as a supplemental public Notice for the U.S. Army Corps of Engineers for its Application for Permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344). The original Public Notice which described the proposed pipeline from Canada to New York is available for review at both the New York ([www.nan.army.mil](http://www.nan.army.mil)) and Buffalo ([www.lrb.army.mil](http://www.lrb.army.mil)) District's web sites.

If you wish to provide written comments to the Corps of Engineers on the subject activity, please provide them within 30 days of this NOA to: U.S. Army Corps of Engineers, New York District Regulatory Branch, Albany Field Office, 1 Bond Street, Troy, New York 12180, Attn: Heidi Firstencel, Permit Application No. 1999-00640.

Additional information about the proposed project is available from the Commission's Office of External Affairs, at (202) 208-1088 or on the FERC Internet website ([www.ferc.fed.us](http://www.ferc.fed.us)) using the "RIMS" link to information in this docket number. Click on the "RIMS" link, select "Docket #" from the RIMS Menu, and follow the instructions. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208-2222.

Similarly, the "CIPS" link on the FERC Internet website provides access to the texts of formal documents issued by the Commission, such as orders, notices,

and rulemakings. From the FERC Internet website, click on the "CIPS" link, select "Docket #" from the CIPS menu, and follow the instructions. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208-2474.

David P. Boergers,  
Secretary.

[FR Doc. 01-6522 Filed 3-15-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

March 12, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type*: Amendment of License.

b. *Project No.*: 2310-113.

c. *Date Filed*: February 6, 2001.

d. *Applicant*: Pacific Gas & Electric.

e. *Name of Project*: Drum-Spaulding Hydroelectric Project.

f. *Location*: Rock Creek Dam and Reservoir, developments of the Drum-Spaulding Project, are located in Placer County, California near the intersection of Bell Road and Highway 49, about 4 miles north of Auburn. Portions of the Drum-Spaulding Project occupy federal lands managed by the U.S. Forest Service (Tahoe National forest) and the Bureau of Land Management.

g. *Filed Pursuant to*: Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact*: Richard Doble, Senior License Coordinator, Hydro Generation, Pacific Gas & Electric, 245 Market Street, P.O. Box 770000, San Francisco, CA 94177-0001, (415) 973-4480.

i. *FERC Contact*: Questions about this notice can be answered by Timothy Welch at (202) 219-2666 or e-mail address: [timothy\\_welch@ferc.fed.us](mailto:timothy_welch@ferc.fed.us). The Commission cannot accept comments, recommendations, motions to intervene or protests sent by e-mail; these documents must be filed as described below.

j. *Deadline for Filing Comments, Terms and Conditions, Motions to Intervene, and Protests*: 30 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First

Street, NE., Washington, DC 20426. Comments, recommendations, terms and conditions, protests and interventions, may be filed electronically via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instruction on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. Pacific Gas & Electric (licensee) has applied for license amendment to the license for the Drum-Spaulding Hydroelectric Project. To improve the safety of Rock Creek Dam, the licensee proposes to improve spillway capacity to eliminate potential overtopping of the dam under the Probable Maximum Flood (PMF) design flood. This will be accomplished by lowering the crest of the spillway 2.5 feet. The activity would involve saw cutting and removing the top portion of the existing concrete spill crest. A new reinforced concrete slab with an ogee shaped crest, similar to the existing spill crest configuration, would be installed. The modified spillway would have an increased spill capacity of 2,220 cubic feet per second and would lower the normal maximum reservoir level by 2.5 feet. As a result, the area and volume of the reservoir would be reduced from the current 55 acres and 548 acre-feet, to 50 acres and 425 acre-feet, respectively.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room at 888 First Street NE, Room 2A, Washington, DC 20426, or by calling (202) 208-1371. The application may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm>. Call (202) 208-2222 for assistance. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 211, 214. In determining the appropriate action to take, the

Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comments date for the particular application.

Any filings must bear in all capital letters the title "COMMENTS," "RECOMMENDATIONS FOR TERMS AND CONDITIONS," "PROTEST," or "MOTION TO INTERVENE," as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01-6524 Filed 3-15-01; 8:45 am]

**BILLING CODE 6717-01-M**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP98-131-004]

#### Vector Pipeline L.P.; Notice of Application to Amend Presidential Permit

March 12, 2001.

Take notice that on March 2, 2001, Vector Pipeline L.P. (Vector) filed in Docket No. CP98-131-004 an application, pursuant to Part 153 of the Commission's Regulations and Executive Order No. 10485, as amended by Executive Order 12038, seeking to amend the Presidential Permit issued to Vector by Commission Order dated May 27, 1999<sup>1</sup> in Docket No. CP98-131-000, to authorize and allow it to use its border facilities for both the importation and exportation of natural gas between the United States and Canada, all as more fully set forth in the application which is on file with the Commission and which is open to the public for inspection. The filing may be viewed at

<http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance).

The border facilities covered by the existing Presidential Permit consist of approximately 3,100 feet of 42-inch pipeline with a maximum capacity of 1 MMDth of gas located under the riverbed of the St. Clair River at the United States-Canada International Boundary (boundary). Vector's border facilities interconnect with Vector Canada, an affiliate, at the boundary, which is situated mid-point of the St. Clair River. Article 3 of this Presidential Permit only provides for the transportation of natural gas from the United States to Canada.

Vector states that due to market circumstances which exist, or may exist in the near term, shippers on its system would find it beneficial to move gas from Canada to the United States. Vector claims that the shippers could avail themselves of supplies that can be provided by Union Gas Ltd.'s large storage facility in Dawn, Ontario, in order to meet current and future market needs in the United States, including acting as third party storage providers consistent with the Commission's dictates in Order No. 637. Vector also states that no new facilities are to be constructed at the connections with the border facilities, thus there will be no change to the design capacity of the border facilities or the Vector mainline. Therefore, Vector requests an amendment to Article 3 of the outstanding Presidential Permit to allow such use.

Vector requests expeditious approval by the Commission to permit the requested bi-directional service so that its shippers can avail themselves of additional cross-border marketing opportunities in the near term.

Any questions regarding the application should be directed to Craig R. Fishbeck, President, 38705 Seven Mile Road, Suite 245, Livonia, Michigan, 48152, (734) 462-0233, and Kim M. Clark of John & Hengerer, 1200 17th Street, NW., Suite 600, Washington, DC 20036, (202) 429-8800.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before April 2, 2001, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be

<sup>1</sup> Vector Pipeline L.P., 87 FERC ¶ 61,225.



placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

If the Commission decides to set the application for a formal hearing before an Administrative Law Judge, the Commission will issue another notice describing that process. At the end of the Commission's review process, a final Commission order approving or denying a certificate will be issued.

**David P. Boergers,**  
Secretary.

[FR Doc. 01-6521 Filed 3-15-01; 8:45 am]

BILLING CODE 6717-01-M

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6953-3]

### Notice of Availability for Public Comments—Infineum Corporation's VEKTRON® 6913 Gasoline Fuel Additive Test Program

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of availability for public comment.

**SUMMARY:** Today EPA is requesting comment on the results of a gasoline additive emissions test program submitted to EPA for technical review by Infineum Corporation. Infineum

conducted a test program to determine the effect of the gasoline fuel additive VEKTRON® 6913 in reducing tailpipe oxides of nitrogen (NO<sub>x</sub>) emissions from on highway motor vehicles. This notice solicits specific comments on Infineum's test program, emission test results, and statistical analysis of the NO<sub>x</sub> emission impacts. Infineum conducted a series of tests on a sample population of current automobiles and light duty trucks that use gasoline that contains the VEKTRON® 6913 additive compared to vehicles operating without this specific additive. EPA invites comment to inform its decision-making concerning the evaluation of the emissions reduction testing program and the resulting conclusions made by Infineum associated with use of this additive.

**DATES:** The EPA is establishing a 45-day comment period, ending April 30, 2001.

**ADDRESSES:** Comments should be submitted (in duplicate, if possible) to: Air and Radiation Docket and Information Center (6101), Attention: Docket No. A-00--XX, U.S. Environmental Protection Agency, 401 M Street SW, Room M-1500, Washington, DC 20460, telephone (202) 260-7548, between 8 a.m. and 5:30 p.m., Monday through Friday, excluding legal holidays. A reasonable fee may be charged for copying. Comments and data may also be submitted electronically by following the instructions under **SUPPLEMENTARY INFORMATION** of this document. Any confidential business information (CBI) should be submitted through e-mail.

**FOR FURTHER INFORMATION CONTACT:** For specific questions and comments on this guidance, contact Mr. Michael Ball, U.S. EPA, OAR/OTAQ/TRPD/TMIG, 2000 Traverwood, Ann Arbor, MI 48105, telephone (734) 214-4897 "ball.michael@epa.gov"

**SUPPLEMENTARY INFORMATION:** Electronic Availability—A World Wide Web (WWW) site has been developed so that you can obtain a copy of this announcement and supporting information for review and comment. The Uniform Resource Location (URL) for the home page of the web site is <http://www.epa.gov/ttn/oarpg>. You can find the protocol and supporting information under the heading titled "What's New." If you need additional assistance with these web sites, call the TTN Helpline at (919) 541-5384. If you lack access to the World Wide Web, you may request a copy of the protocol and supporting information from the individual listed above under **FOR FURTHER INFORMATION CONTACT**.

The EPA has established a docket for materials relevant to this notice (which will include the test program and supporting information, plus any public comments) under EPA air docket number A-2001-05. A public version of this record, including printed, paper versions of electronic comments—but excluding any information claimed as confidential business information (CBI)—is available for inspection from 8 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays. The official record is located at the address in **ADDRESSES** at the beginning of this document. Electronic comments can be sent directly to EPA at: *A-and-R-Docket@epa.gov*. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and data will also accepted on disks in WorkPerfect in 5.1 file format or ASCII file format. Electronic comments on this document may be filed online at many Federal Depository Libraries.

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#### I. Overview

Infineum USA L.P. manufactures a variety of gasoline and diesel fuel additives. In 1996, Infineum (then Shell Chemical) approached EPA regarding whether the Agency would accept the use of its Vektron® 3000 series gasoline additive as an air quality control measure in a State's Implementation Plan (SIP) for purposes of emissions credit generation and trading. Based on a new fleet test program, Infineum has prepared and submitted to the EPA a

statistical analysis on the use of Vektron® 6913, a close relative of the 3000 series, which contains a conventional detergent plus a NO<sub>x</sub> reduction component called Vektron® 1200. Infineum's analysis indicates a statistically significant reduction in oxides of nitrogen (NO<sub>x</sub>) emissions (estimated at 10 percent) from automobiles and light-duty trucks with no adverse impacts on emissions of hydrocarbons (HC) or carbon monoxide (CO), or on fuel economy. Infineum would like to promote the Vektron® 6913 additive as a method to generate emissions reductions (i.e., tradeable credits) which in turn could be resold to stationary sources in need of supplemental emissions reductions. Infineum has stated that it is not seeking a national mandate for its gasoline additive in reducing NO<sub>x</sub> emissions.

Vektron® 6913 is currently certified under EPA's gasoline deposit control additive program and registered under EPA's fuel and fuel additives additive health effects program.<sup>1</sup> Infineum states that Vektron® 6913 acts to reduce NO<sub>x</sub> emissions when a vehicle is operated over time using commercially available gasoline containing the additive.

The following discussion outlines the background of EPA's evaluation of the potential impacts of Vektron® 6913 on emissions and summarizes the new data provided by Infineum. The purpose of this notice is to request comment to aid EPA in evaluating Infineum's fleet test and analysis regarding the impact of Vektron® 6913 on the emissions of the in-use vehicle fleet. The comments we receive should provide useful information in determining the extent to which the use of Vektron® 6913 in gasoline provides an emissions benefit. This is important in evaluating the use of Vektron® 6913, under an emissions trading program or other state-sponsored market incentive initiative, in a state's SIP submission to the Agency.

#### *History of EPA's Evaluation of Vektron® 6913*

Infineum first approached EPA regarding the potential emissions benefits of its Vektron® 3000 series gasoline additive in 1996. At that time, EPA concluded that the available information was insufficient to quantify the overall emissions impacts of the gasoline additive.<sup>2</sup> Infineum's initial request to EPA was primarily based on

data that Infineum used to support its emissions trading protocol for Vektron® 3364A (a similar package to Vektron® 6913) under Ontario's Pilot Emissions Reduction Trading (PERT) Project in 1997. Under the PERT project, the use of Vektron® 3364A in gasoline supplied from several gasoline terminals generates NO<sub>x</sub> emissions credits which are being resold and used by stationary emissions sources in Canada (such as power plants) to meet emissions control requirements. The PERT project is a demonstration project that caps the amount of emissions credits which can be generated under a given protocol.<sup>3</sup> PERT reviews Infineum's emission credit protocol for the use of Vektron® 3364A at the conclusion of each ozone season.

To facilitate the evaluation of Infineum's emission credits protocol for Vektron® in the U.S., Infineum submitted its protocol to the State of New Hampshire's Department of Environmental Services (NHDES) requesting acceptance for use in the State. The NHDES arranged for a public hearing on the protocol. That public hearing was held in Concord, NH, on October 1, 1997.<sup>4</sup> The emission credits protocol proposed by Infineum in the context of this hearing was based on essentially the same data that was used to support Infineum's application under the PERT project in 1997.<sup>5</sup> Comments on the public hearing were received from various parties, including EPA.

At this time, EPA again concluded that the available data was insufficient to quantify the emissions impacts of Vektron® 3000 series. Based on comments from the public hearing, the state of New Hampshire issued a conditional approval for Infineum's protocol which granted a small, and according to Infineum, non-economically viable emissions reductions credit and which detailed the issues that would need to be

addressed by Infineum before larger and more economically viable (to Infineum) emission credits could be generated from the use of Vektron® 3000 series additives in the State of New Hampshire.<sup>6</sup>

Following the public hearing in New Hampshire, in December of 1997, Infineum engaged EPA in discussions, seeking expert advice, regarding what additional testing and technical documentation Infineum might provide to facilitate our evaluation of the impacts of Vektron® 6913 on vehicle emissions.<sup>7</sup> Acting in consideration of technical input from EPA and representatives of U.S. automobile manufacturers Infineum designed and executed the emissions test program that is the subject of today's notice.

#### **II. Information on Infineum's Test Program**

The test program that Infineum conducted to evaluate the emissions and fuel economy impact of Vektron® 6913 on a sample of vehicles, the test data from this program, and the statistical analysis of these data have been documented by Infineum. Infineum also provided information regarding issues that were not specifically addressed in its test program which have been included in the docket for this notice.<sup>8</sup>

Infineum postulates that Vektron® 6913 acts by some method other than a reduction of combustion chamber deposits (CCD) levels (mass). This impact may be due in part to a change in the properties of CCD over time as a vehicle is operated on gasoline that contains Vektron® 6913.

#### **III. Issues Which EPA Requests Comment On**

Since the mechanism by which Vektron® 6913 may impact emissions is not well understood, there are issues regarding how to adequately account for potential interactions of variations in

<sup>3</sup> The documents associated with Infineum's application for Emission Reduction Credits (RTC) for the year 2000 PERT project period are contained docket item II-G-02. This includes the 2000 version of Infineum's emission credits protocol, and a summary of the emission credits generated in 2000 under the PERT program.

<sup>4</sup> Proposed Discrete Emissions Reductions (DER) submitted to the New Hampshire, Department of Environmental Services, Air Resources Division by Shell Chemical Company for its Vektron® Gasoline Additives, July 1997, docket item II-G-01, attachment c.

<sup>5</sup> The following documents associated with the public hearing in New Hampshire are contained in docket item II-G-01: Infineum's proposed emissions credits protocol, Comments on the public hearing, Shell's response to comments, and New Hampshire's conditional approval of Infineum's (then Shell Chemical's) "Protocol for the Reduction of NO<sub>x</sub> through the use of VEKTRON® 3000 additive.

<sup>6</sup> Conditional approval by the state of New Hampshire of Shell's proposed "Protocol for the Reduction of NO<sub>x</sub> through the use of VEKTRON® 3000 additive, December 12, 1997, docket item II-G-01, attachment n.

<sup>7</sup> Letter to Randall Evans, Infineum, and Peter Chant, Consultant to Infineum, from Deborah Wood, Acting Director, Fuels and Energy Division, February 10, 1999, docket item II-G-02.

<sup>8</sup> Fleet Test Evaluation of Fuel Additive Performance on Emissions, Final Report from Southwest Research Institute (SwRI) to Infineum USA LP, July 2000, docket item I-B-01.

Test Data from Infineum's Test Program to Evaluate that Emission Impacts from Its Vektron® 6913 Additive, Infineum USA LP, docket item I-B-02.

Infineum Emissions Reduction Gasoline Additive Technology, Infineum USA LP, docket item I-B-03.

Statistical Design and Analysis of Vektron® 6913 Emissions Fleet Trial, Infineum USA LP, docket item I-B-04.

<sup>1</sup> See 40 CFR part 80 regarding the requirements of EPA's gasoline deposit control additive and 40 CFR part 79 for the health-effects requirements.

<sup>2</sup> Letter from Charles N. Freed, Director, Fuels and Energy Division, U.S. EPA to Peter Chant, Consultant to Shell Chemical Company, August 12, 1996, II-C-01.

vehicle technology, fuel composition, and vehicle operating cycle in the design of a test program to evaluate the impacts of Vektron® 6913. These issues are summarized below. The majority of these issues were discussed in a letter from EPA to Infineum in February of 1999, during the October 1997 hearing in New Hampshire (referenced in section II) and during several Infineum and EPA technical meetings beginning in April 1999. We are also requesting comments on Infineum's statistical design of their test program and the analysis of the data from this program. We request comments on the issues associated with Infineum's evaluation of the impacts of its Vektron® 6913 additive on the emissions performance of the vehicle fleet. The following sections broadly identify the basic subject areas included in EPA's evaluation of Infineum's request. EPA specifically invites comment on the issues identified below as well as any other related issues which commenters believe will inform EPA's decision making process. Comments on the issues outlined below will be most useful if they include a detailed rationale and technical discussion. Comments on any other relevant issues not raised in this notice are welcomed.

### 1. Test Fleet

The test vehicles selected will impact the representativeness of the data in predicting the impacts of Vektron® 6913 on the emissions of the current and future in-use fleet. Infineum states that the test fleet was composed of a broad spectrum of in-use vehicles selected based on sales volume which they believe adequately represents the impact of Vektron® 6913 in the range of vehicle technologies present in the in-use vehicle fleet. We request comment on this issue. Specifically, we request comment on whether there are vehicles in the current or anticipated future fleet (e.g. tier 2 vehicles), not represented in Infineum's test program that would respond in a substantially different manner to the use of Vektron® 6913.

### 2. Vehicle Acquisition and Randomness of Vehicle Assignment

In designing a test program it is important to acquire vehicles that would be representative of the current in-use fleet with regard to such factors as mileage accumulation, maintenance, and similar factors which could effect emissions performance. Additionally, in constructing a testing regime, random or other means of unbiased assignment is

important to reduce the introduction of test result bias. The contractor that conducted the vehicle testing for Infineum (Southwest Research Institute) either purchased or leased all of the 28 vehicles used in the test program on Infineum's behalf. The test program criteria for vehicle acquisition included a minimum odometer mileage accumulation of 15,000 miles and a maximum of 75,000 miles. Infineum states that vehicles were assigned to a fueling regime randomly.<sup>9</sup> Infineum orally related to EPA that as test vehicles became available, they were assigned the next available number in the relevant vehicle group. For example, the first vehicle available in the GP vehicle group was designated as GP-1, the second vehicle that became available was designated as GP-2, and so on. Vehicles in a group were assigned to a fueling regime, fueled according to their vehicle number (i.e., 1, 2, 3, 4—see table 1 below). We request comment on the randomness of the vehicle selection and assignment to a fueling regime under Infineum's test program. We also request comment on the potential impact on program results due to the test vehicle fleet selected.

TABLE 1.—INFINEUM TEST PROGRAM FUELING REGIME  
[Fueling regime during mileage accumulation phases]

Vehicle	Pre-test phase (1,000 miles)	Run 1 (8,000 miles)	Run 2 (8,000 miles)
Fuel:			
1 .....	Reference Fuel .....	Reference Fuel .....	Test Fuel.
2 .....	Reference Fuel .....	Test Fuel .....	Reference Fuel.
3 .....	Reference Fuel .....	Reference Fuel .....	Alternating Fuels.
4 .....	Reference Fuel .....	Alternating Fuels .....	Reference Fuel.

### 3. Base Gasoline Composition

The base gasoline composition is an important consideration in projecting the emissions impacts of the fuel additive on NO<sub>x</sub> when added to the range of typically available in-use fuels. The base gasoline used in the Infineum test program according to Infineum approximates a non-oxygenated California reformulated gasoline (e.g. low deposit forming potential). Infineum states that they are in agreement with industry experts, that gasoline composition can affect emissions. Infineum states that the base

gasoline used in their test program would yield a conservatively small estimate of the impact of Vektron® 6913 on emissions. We request comment on this issue. Specifically, we request comment on whether the impact of Vektron® 6913 on emissions comparable to its impact related to in-use fuels would be substantially different in gasolines that have an aromatics content or T-90 distillation point or other differences from the test fuel used in Infineum's test program. In considering this issue, we request that commenters refer to the technical literature provided in Infineum's support document.<sup>10</sup>

### 4. Representativeness of Reference Additive

The reference additive used in the test program determines the baseline against which the emissions impacts of Vektron® are evaluated. Thus, it is important that the reference additive be representative of current in-use deposit control additives as these might effect emissions performance. Infineum states that the test fuel (that contained Vektron® 6913) and the reference fuel (that contained the reference additive) contained the same type and amount of detergent-active ingredients.<sup>11</sup> The

<sup>9</sup> Infineum Emissions Reduction Gasoline Additive Technology, Infineum USA LP, docket item I-B-03.

<sup>10</sup> Section 7, Infineum Emissions Reduction Gasoline Additive Technology, Infineum USA LP., docket item I-B-03.

<sup>11</sup> Both the reference additive and Vektron® 6913 have been certified by EPA under our gasoline deposit control program as suitable for use in gasoline to satisfy the requirement under section 211(l) of the Clean Air Act that all gasoline in the U.S. must contain additives capable of limiting the

formation of deposits in engines and fuel supply systems. EPA's deposit control additive program (40 CFR part 80) requires that to be certified for use, an additive's ability to control fuel injector and intake valve deposits must be demonstrated using EPA-specified procedures.

reference fuel contained the reference deposit control additive, referred to as Infineum F7721, at a concentration of 154 pounds per thousand barrels (PTB) of gasoline. The test fuel contained Vektron® 6913 at 234 PTB.<sup>12</sup> We request comment on whether the reference additive as used by Infineum in this test program is representative (in composition and concentration) to other deposit control additives on the market with respect to its efficacy in controlling intake valve deposits and its impact on combustion chamber deposits (CCD). We are also interested in the extent to which the emission performance of vehicles operated on fuel using Infineum's reference additive accurately estimates the emission performance anticipated if the vehicles were operated on fuel using other typical additives. We specifically request comment on whether the test results presented by Infineum are predictive of Vektron® 6913's impacts relative to the range of in-use additives on the market.

#### 5. Mileage-Dependency of Vektron® 6913's Impacts

The issue of how quickly the emission impacts of Vektron® 6913 take effect is important to projecting its potential in-use emission benefits, because Infineum states that the impact of Vektron® 6913 on emissions and fuel economy manifests itself only after a vehicle is operated using Vektron® over time. Infineum intends to market its Vektron® 6913 as an additive for fuel used only during the ozone season (for example, spring to late summer). Thus, the amount of mileage that must be accumulated using Vektron® before it has its full impact on emissions is an important input in the calculation of the emissions benefits from the use of Vektron® over the period it is used. Infineum states that after a vehicle is operated for 1,000 miles using Vektron® 6913, the full effect of Vektron® 6913 on emissions is realized.<sup>13</sup> Infineum's test program evaluated Vektron® 6913's impacts after the test vehicles were operated using Vektron® 6913 for 8,000 miles. Infineum did not provide any publicly available data in support of their conclusion that the full impacts of Vektron® 6913 are realized after 1,000

miles.<sup>14</sup> The issue of how quickly Vektron® 6913 acts to impact vehicle emissions is significant in determining a set quantity of NO<sub>x</sub> emissions reduced over a given amount of time during which Vektron® 6913 is used. We request comment on this issue.

#### 6. Statistical Procedures Used to Identify Outliers

The procedure used to identify outliers is important, as the exclusion of data from the analysis can significantly affect the emission change attributed to use of Vektron® 6913. Infineum used a generalized linear model (SAS procedure PROC GLM) and Studentized-deleted residuals to the baseline and Run 1 data to identify two outliers: a Pontiac Grand Prix (GP1) and a Ford F-150 (FF4). Vehicle FF4 was identified early before vehicle GP1 was run and gave a Studentized-deleted residual greater than 4.0 and was dropped from the analysis. When vehicle GP1 became available and was tested in the statistical model, its Studentized-deleted residual was 3.78 and consequently Infineum dropped this vehicle from the final analysis.

A different statistical model was used to identify outliers (PROC GLM) than to determine emission effects (PROC MIXED). One outlier (FF4) was deleted from the database using a portion of the database and then further tests for outliers (e.g., GP1) were performed without the original outlier in the database. The presence of outliers was assessed only on the baseline and Run 1 data (i.e., excluding Run 2 data). In contrast, the test for carryover discussed below in Issue 8 involved data from both Runs 1 and 2, but excluded outliers identified using only Run 1 data.

We request comment on Infineum's approach to removing outliers, particularly the following: (1) Use of a different statistical model to identify outliers (PROC GLM) than to determine emission effects (PROC MIXED); (2) deleting outliers one at a time; (3) identifying outliers after performing the assessment of carryover and comparing the emission impact of continuous and alternating use of Vektron® 6913; and (4) inclusion of a vehicle type term in the PROC GLM model.

#### 7. Exclusion of Statistical Outliers

Determining that a specific data point or set of data is an outlier from a statistical point of view may or may not be sufficient evidence to appropriately exclude that data from an analysis. The

vehicles in the Vektron® test program were screened and pretested for proper operation, oil consumption and emissions. Replicate tests were performed at all testing points and a third test performed when the first two exceeded specified criteria according to the CAC Auto/Oil Protocol. Mechanical evaluation of FF4 at the end of the test program discovered problems with the EGR valve which was shown to affect NO<sub>x</sub> emissions significantly. At the end of the test program, no mechanical problems with GP1 were found. In general, based upon this analysis of the mechanical condition of the vehicles, should vehicles FF4 and GP1 be excluded from subsequent analysis? Should a statistical outlier be excluded if no mechanical problems could be found with the vehicle and the emission measurements were replicated? Should the HC and CO emissions of these vehicles be considered, as well as their emissions over the US06 and HFET test cycles, in determining whether or not to exclude them from the analysis?

#### 8. Carryover Effect in the Analysis

In the context of this test program, a "carryover" effect exists when the effect of one fuel additive persists during a subsequent test of a different additive, for example, treatment fuel during Run 1 affects the test of reference fuel during Run 2. Infineum believed that 8,000 miles of operation on a specific fuel additive would be sufficient to eliminate such carryover, but subsequently concluded that the Run 2 data from vehicles fueled with the reference fuel still exhibited the affect of Vektron® 6913. Therefore, Infineum chose to eliminate all Run 2 data from subsequent analysis. The model used to test for carryover effects specified  $\ln(\text{FTP NO}_x)$  as the response variable, accumulated-miles and treatment-order as fixed effects and vehicle type as a random effect.

EPA requests comment on these points: (1) Is this model formulation appropriate to determine that carryover was present? Specifically, should the model have included a variable indicating the use of the Vektron® additive, either continuously or in an alternating fashion? Also, should the test for carryover be focused exclusively on those vehicles in Run 2 which were operated on the Vektron® additive in Run 1? Would there be any reason to expect carryover effects for those vehicles operated on the reference fuel in Run 1 and Vektron® 6913 in Run 2? (2) Infineum states that the literature teaches that with a two-stage crossover design no estimate of direction of large carryover is possible. Is it possible to

<sup>12</sup> Infineum states that the reference additive is a conventional deposit control additive composed of pibamine detergent components, a synthetic carrier oil, and aromatic solvents. Infineum states that the Vektron® 6913 additive contains the same detergent components and aromatic solvents with the synthetic carrier oil substituted by the Vektron® 1200 polyoxyalkylate component.

<sup>13</sup> Section 6, Infineum Emissions Reduction Gasoline Additive Technology, Infineum USA LP., docket item I-B-03.

<sup>14</sup> See section 7, Infineum Emissions Reduction Gasoline Additive Technology, Infineum USA LP., docket item I-B-03.

determine the magnitude and direction of carryover in this type of study? Is this test program appropriately determined a 2 stage crossover design, as described in the drug testing (or other) literature, since the vehicles were not returned to their baseline conditions between Runs 1 and 2? (3) How does the use of fuel additives in test vehicles prior to recruitment into the test program affect interpretation of the test results, particularly the assessment of possible carryover? (4) Is it consistent to expect Vektron® 6913 to reach its full emission effect in 1,000 miles and to continue to affect emissions 8,000 miles after discontinuation of its use?

#### 9. Carryover Effect and the Exclusion of All Run 2 Data

Infineum excluded all Run 2 data from its final analysis, citing standard practice following detection of a large carryover effect. This reduces by approximately 50% the number of measures of the effect of the Vektron® additive. As described above, Infineum concluded that a large carryover was observed and the reference was not repeated in Run 2. Therefore, Infineum believed that it was not appropriate to extrapolate Run 1 reference fuel data to compare to Run 2 test fuel data (as well as the reverse). Therefore, Infineum felt that no estimation of the treatment effect could be made when Run 2 data were included. Is it possible to include a term for carryover in the statistical model and continue to use all of the data to estimate the impact of Vektron® 6913 on emissions? Is Infineum's decision to exclude all of the Run 2 data appropriate in the context of fuel additive testing, where we are not comparing the effect of two new factors (e.g. drugs), but the substitution of one fuel additive for others which are widely used? Specifically, is it appropriate to retain the Run 2 data for the subset of vehicles for which the test additive was used only in Run 2 (Vehicles numbered 1 and 3)? We also request comment on whether the testing of the reference additive for 8000 miles in Run 1 followed by the testing of the Vektron® 6913 additive for 8000 miles simulates the situation which would occur in-use should the Vektron® additive replace current additives?

#### 10. Appropriateness of the Analysis on the Individual Test Results and the Averages

Two options exist for analyzing the Infineum data. One statistically analyzes the data from all individual emission tests and the other analyzes the emission levels averaged across replicates at each test phase. Each

vehicle at each test point was tested at least in duplicate over the FTP, HFET, and the US06 driving cycles. The need for a third emission test was based on test repeatability criteria established in the CAC Auto/Oil Protocol: if the higher emission value divided by the lower emission value was greater than 1.33 for HC, 1.70 for CO, or 1.29 for NO<sub>x</sub>, a third test was run. Infineum believes that this procedure stabilizes the mean emission level sufficiently. However, in some cases where only two tests were performed, the two measurements differed by only a percent or two, while in others, the difference was nearly 30%. EPA requests comment on whether the statistical analysis would be appropriately performed on individual trial results, as well as on the average emission levels for each phase and which would be more illustrative of the effects of Vektron 6913.

#### 11. Emissions Effects of the Vektron® Additive Using the FTP Emissions and the US06 and HFET Emissions

Emission data are available over three driving cycles: the standard EPA urban driving cycle (the FTP), the US06 high-speed, high-load cycle, and the Highway Fuel Economy Test (HFET). Infineum estimated the 10% NO<sub>x</sub> emission benefit of its Vektron® 6913 additive using only emissions measured over the FTP. Should the emission results from these other two cycles be included in estimating the in-use emission impacts of Vektron® 6913 or in responding to the other issues raised in this notice?

#### 12. Combining Data Reflecting Continuous and Alternating Use of Vektron®

The Vektron® additive was used continuously in half of the test vehicles and in every other tankful in the other half of the vehicles. Infineum selected these two fueling protocols to represent the two basic modes of potential use of the Vektron® additive by individual vehicles in the fleet. Infineum reported no statistical difference in NO<sub>x</sub> emissions between the continuous and alternating (by tankful) use of Vektron® 6913. Infineum based this conclusion on two types of analyses. First, Infineum used a simple model including only a term for vehicle type, and no treatment term. Based on a plot of residuals grouped by treatment (continuous versus every other tankful), Infineum concluded that the effects of continuous and alternating fuel treatments did not differ significantly. Second, Infineum compared the fit of two models, one including only a term for treatment, and another adding a term for fueling-scheme (continuous versus alternating).

Based on a conclusion that including the fueling-scheme term did not improve model fit, in combination with the results of the first analysis, Infineum pooled the continuous and alternating fuel treatment into a single treatment term (additive present) to assess the effect of additive treatment. Are the statistical analyses employed appropriate to support a conclusion that the two fueling schemes did not differ in result? Is the collapsing of data from the two fueling schemes into a single data set an appropriate step if no significant difference between them is found?

*13. Appropriateness of a Single Point Estimate to be Developed from the FTP Emission Results or a Weight of Evidence Approach As indicated by the issues described above, it is possible to develop differing estimates of the impact of Vektron® 6913 on NO<sub>x</sub> emissions, depending on whether Run 2 data is included or excluded, certain apparent outliers in Run 1 are included or excluded, whether the effect of Vektron® 6913 used continuously or alternatingly is assumed to have the same effect or not, whether NO<sub>x</sub> emission impacts over the US06 and HFET cycles are considered, etc. Should we attempt to come up with the single best approach to analyzing the SwRI test data and develop a single point estimate, or where reasonable alternatives appear to exist, should we develop multiple estimates and then estimate an emission benefit for use in determining in-use emission credit trading purposes? If we should develop multiple estimates, how should an appropriate single in-use emission benefit be estimated from the range of NO<sub>x</sub> emission benefits resulting from the variety of possible statistical procedures? Should EPA be more concerned about ensuring that any projected NO<sub>x</sub> emission benefits associated with Vektron® 6913 are highly likely to occur in-use (i.e., avoid the potential for over-estimating the benefit)? Or, should we be more concerned with encouraging innovative approaches to emission control (i.e., avoid under-estimating the benefit)?*

#### 14. Calculating the Impact on HC and CO Emissions

Infineum found that its Vektron® additive affect on NO<sub>x</sub> emissions was statistically significant, but that its effects on HC and CO emissions were not statistically significant (i.e., the 90% confidence interval included zero change in emissions). While the average change in HC and CO emissions found were smaller than the change in NO<sub>x</sub>

emissions, the average effects were not zero. If we determine the effect of Vektron® 6913 on NO<sub>x</sub> emissions, should we determine that Vektron® 6913 increases HC and CO emissions by the average amount found by the test program, or should we assume that the HC and CO effects are zero because the emission increases were not statistically significant?

#### IV. Conclusion

EPA will carefully consider all comments received. We will evaluate these comments and other information or analyses which may become available, including perhaps conducting additional analyses of our own in arriving at our conclusion as to the emission benefits of Vektron® 6913 as proposed for fuel additive use by Infineum. This conclusion will be publically available via our web site. If that conclusion indicates significant emission benefits could be derived from the use of this fuel additive, we will also prepare appropriate protocols for determining the extent of actual in-use on-highway fleet emissions benefits.

Dated: March 7, 2001.

**Robert Brenner,**

*Acting Assistant Administrator, Office of Air and Radiation.*

[FR Doc. 01-6725 Filed 3-15-01; 8:45 am]

**BILLING CODE 6560-50-U**

#### ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6616-3]

#### Environmental Impact Statements; Notice of Availability

*Responsible Agency:* Office of Federal Activities, General Information (202) 564-7167 or [www.epa.gov/oeca/ofa](http://www.epa.gov/oeca/ofa). Weekly receipt of Environmental Impact Statements

Filed March 05, 2001 Through March 09, 2001

Pursuant to 40 CFR 1506.9.

*EIS No. 010069, Final EIS, AFS, ID, East Slate Project, Harvesting Timber, Implementation, Idaho Panhandle National Forests, St. Joe Ranger District, Shoshone County, ID, Wait Period Ends: April 16, 2001, Contact: Pete Ratcliffe (208) 245-6071.*

*EIS No. 010070, Draft EIS, AFS, OR, South Fork Burnt River Ranger Planning Area, Development of Five New Allotment Management Plans (AMPS), Wallowa-Whitman National Forest, Unity Ranger District, Baker County, OR, Comment Period Ends: April 30, 2001, Contact: Jean Lavell (541) 446-3351.*

*EIS No. 010071, Draft EIS, AFS, CA, Fuels Reduction for Community Protection Phase 1 Project in the Six Rivers National Forest, Proposes to Reduce Fuels in High Severity Burned Stands, Lower Trinity Ranger District, Humboldt and Trinity Counties, CA, Comment Period Ends: April 30, 2001, Contact: David Webb (707) 457-3131.*

*EIS No. 010072, Draft EIS, USA, MD, Fort George G. Meade Future Development and Operations of New Administrative and Support Buildings, Anne Arundel and Howard Counties, MD, Comment Period Ends: April 30, 2001, Contact: Jim Gebhardt (301) 677-9365.*

*EIS No. 010073, Draft Supplement, FRC, PA, NJ, NY, Millennium Pipeline Project, Updated Information, Construct and Operate an Interstate Natural Gas Pipeline from United States to Canada, including PA, NY and NJ, Comment Period Ends: April 30, 2001, Contact: Paul McKee (202) 208-2474.*

*EIS No. 010074, Final Supplement, NOAA, FL, Florida Keys National Sanctuary Comprehensive Management Plan, New Information concerning the Establishment of the Tortugas Marine Reserves in Seven Fishery Management Plan Amendments in the Gulf of Mexico, Wait Period Ends: April 16, 2001, Contact: Wayne Swingle (813) 228-2815.*

*EIS No. 010075, Final EIS, AFS, CO, Upper Blue Stewardship Project, Implementation of Vegetation Management, Travel Management, Designation of Dispersed Camping Sites, White River National Forest, Dillon Ranger District, Summit County, CO, Wait Period Ends: April 16, 2001, Contact: Gwenan Poirier (970) 262-3499.*

*EIS No. 010076, Draft EIS, COE, NB, Platte West Water Production Facilities, Proposed New Drinking Water Production Facilities, Metropolitan Utilities District, Omaha District, Douglas, Saunders and Sarpy Counties, NE, Comment Period Ends: April 30, 2001, Contact: Rebecca Latka (402) 221-4602.*

*EIS No. 010077, Final EIS, TVA, MS, Kemper County Combustion Turbine Plant, Construction and Operation, Addition of Electric General Peaking Capacity at Greenfield Sites, NPDES Permit, Kemper County, MS, Wait Period Ends: April 16, 2001, Contact: Roy V. Carter (256) 386-2832.*

*EIS No. 010078, Draft Supplement, SFW, NY, VT, Lake Champlain Sea Lamprey Control Long-Term Program, To Achieve Fish Population,*

*Recreational Fishery and Economic Benefits Associated with Reduced Sea Lamprey Predation Implementation, Clinton, Essex and Washington Counties, NY and Addison and Chittenden Counties, VT, Comment Period Ends: April 30, 2001, Contact: David C. Nettles (802) 872-0629.*

*EIS No. 010079, Final EIS, IBR, ID, Arrowrock Dam Outlet Works Rehabilitation, Construction and Operation, To Remove 10 Lower Level Ensign Valves and Replace with 10 Clamshell Gates, Boise River, City of Boise, ID, Wait Period Ends: April 16, 2001, Contact: John Tiedeman (208) 378-5034.*

*EIS No. 010080, Final EIS, FTA, NY, East Side Access Project, Improve Access to Manhattan's East Side for Commuters in the Long Island Transportation Corridor (LITC), MTA Long Island Rail Road (LIRR), Funding, Nassau, Suffolk, New York, Queens and Bronx Counties, NY, Wait Period Ends: April 16, 2001, Contact: Anthony G. Carr (212) 668-2175.*

*EIS No. 010081, Final EIS, COE, TX, NM, Programmatic—Fort Bliss Mission and Real Property Master Plan, Revised Land Use and Enhance Management of the Land, Airspace and Infrastructure, El Pasco County, TX and Dona Ana and Otero Counties, NM, Wait Period Ends: April 16, 2001, Contact: Vicki Hamilton (915) 568-2774.*

#### Amended Notices

*EIS No. 010013, Draft EIS, AFS, AK, Threemile Timber Sale, Implementation, Petersburg Ranger District, Tongass National Forest, AK, Comment Period Ends: June 26, 2001, Contact: Everett Kissinger (907) 772-5860. Revision of FR notice published on 01/19/2001: CEQ Comment Date has been Extended from 03/12/2001 to 06/26/2001.*

*EIS No. 010014, Draft EIS, AFS, AK, Gravina Island Timber Sale, Implementation, Timber Harvest and Related Activities, Ketchikan-Misty Fiords Ranger District, Tongass National Forest, AK, Comment Period Ends: June 26, 2001, Contact: Susan Marthaller (907) 225-2148. Revision of FR notice published on 01/19/2001: CEQ Comment Date has been extended from 03/19/2001 to 06/26/2001.*

Dated: March 13, 2001.

**Joseph C. Montgomery,**

*Director, NEPA Compliance Division, Office of Federal Activities.*

[FR Doc. 01-6602 Filed 3-15-01; 8:45 am]

**BILLING CODE 6560-50-P**

## ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL-6616-4]

### Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564-7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 14, 2000 (65 FR 20157).

#### Draft EISs

*ERP No. D-AFS-L65371-AK* Rating EO2, Cholmondeley Timber Sales, Implementation, Harvesting Timber, Tongass Forest Plan, Tongass National Forest, Craig Ranger District, West of Ketchikan and South of Prince of Wales Island, AK.

*Summary:* EPA expressed environmental objections to the preferred alternative, no. 5, (as well as no. 4) which would likely violate State of Alaska Water Quality Standard (WQSs) (turbidity and sediment criteria and the Antidegradation Policy) and not comply with Alaska Drinking Water Regulations (DWRs). The DEIS also does not fully disclose applicable WQSs and DWRs or describe an adaptive management strategy that would ensure the WQSs and DWRs would be met with project implementation. We recommended that the FEIS identify a preferred alternative that meets WQSs and DWRs and include data and analyses supporting this outcome.

*ERP No. D-BLM-L65371-OR* Rating EC2, Rogue National Wild and Scenic River Hellgate Recreation Area (Applegate River to Grave Creek) Management Plan, Implementation, Bedford District, Josephine County, OR.

*Summary:* EPA expressed environmental concerns with the preferred alternative, which could potentially increase recreational use on the river in areas where use is already high. EPA requested the selection of an alternative which would reduce use levels, require no new facilities, manage visitor use and limit commercial outfitters.

*ERP No. D-COE-K39065-CA* Rating LO, Guadalupe Creek Restoration Project, Restore Riparian Vegetation and Native Anadromous Fish Habitat, From Almaden Expressway to Masson Dam,

Implementation, Guadalupe River, Santa Clara County, CA.

*Summary:* EPA expressed a lack of objections with the proposed project but requested clarification of several questions in the Final EIS, including the applicability of the Clean Water Act Phase II stormwater rule to the proposed project.

*ERP No. D-DOE-E06019-SC* Rating EC2, Savannah River Site, High-Level Waste Tank Closure (DOE/EIS-0303D), Implementation, Industrial Wastewater Closure Plan for the F and H-Area High-Level Waste Tank Systems, Aiken County, SC.

*Summary:* EPA has environmental concerns about the project, and needs more information to fully assess the impacts. In particular, clarification of potential impacts, tank closure procedures, and schedule for tank closure warrant further discussion in the Final EIS.

*ERP No. D-DOE-E09807-TN* Rating EC2, Programmatic EIS—Oak Ridge Y-12 Plant Mission, Processing and Storage Highly Enriched Uranium, U.S. Nuclear Weapons Stockpile, Anderson County, TN.

*Summary:* EPA has concerns about potential impacts of the proposed project and requests more detail in the final EIS regarding environmental justice, wetland impacts, and cultural resource issues.

*ERP No. D-IBR-L36114-WA* Rating EO2, Keechel Dam Project, Safety of Dams Modification, Implementation, COE Section 404 Permit, Yakima, Kittitas, Benton, and Klickitat Counties, WA.

*Summary:* EPA expressed environmental objections due to a lack of dam reconstruction alternatives that provide for fish passage, potential effects of late successional habitat and wildlife corridors, the lack of an adequate environmental justice analysis, lack of evidence that government-to-government consultations with affected Tribal governments have been conducted, and concerns with the impact analysis. EPA recommended that the cumulative effects analysis be expanded.

*ERP No. D-MMS-E02011-00* Rating EC2, Eastern Planning Area Outer Continental Shelf Oil and Gas Lease Sale 181 (December 2001), Gulf of Mexico, Offshore Marine Environment and Coastal Counties/Parishes of LA, MI, AL and northwestern FL.

*Summary:* EPA expressed concerns regarding deficiencies in lease stipulations pertaining to live bottom habitat protection and spill response, in addition, EPA recommended splitting the proposed lease sale area into a

shallow and a deep area and leasing in two phases.

*ERP No. D-NOA-K91009-00* Rating LO, Coral Reef Ecosystems of the Western Pacific Region, Fishery Management Plan, Including Amendments to Four Existing (FMPs), Amendment 7—Bottomfish and Seamount Groundfish Fisheries, Amendment 11—Crustaceans Fisheries; Amendment 5—Precious Corals Fisheries and Amendment 10—Pelagics Fisheries, HI, GU and AS.

*Summary:* EPA was pleased with the comprehensive, ecosystem-level approach to address habitat and species protection issues in the proposed Fishery Management Plan (FMP) for the Coral Reef Ecosystem of the Western Pacific Region. EPA encourages NMFS and the Council to continue integration of this planning effort with ongoing updates to related Western Pacific FMPs, and to fully address social and economic impacts from fishery displacement.

*ERP No. D-NPS-K61152-CA* Rating EC2, Santa Monica Mountains National Recreation Area General Management Plan, Implementation, Los Angeles County, CA.

*Summary:* EPA expressed concerns regarding the adequacy of the air quality analysis. EPA requested analysis to substantiate the claim that air quality issues can be dismissed from further consideration by quantifying the vehicle trips associated with current visitation of the SMMNRA and the air quality impacts of those trips.

*ERP No. D-NRC-E06020-GA* Rating EC2, Generic EIS—Edwin I. Hatch Nuclear Plant, Unit 1 and 2, License Renewal of Nuclear Plants, Supplement 4 to NUREG-1437, Altamaha River, Appling County, GA.

*Summary:* EPA has environmental concerns about the project, and needs more information to fully assess the impacts. In particular, environmental justice, clarification of potential impacts, and on-site groundwater wells warrant further discussion on the Final EIS.

*ERP No. DA-NRC-A00164-00* Rating LO, GENERIC—License Renewal of Nuclear Plants, Arkansas Nuclear One, Unit 1, COE Section 10 and 404 Permits, Pope County, AR (NUREG-1437).

*Summary:* EPA had no objection to the proposed action.

*ERP No. DS-IBR-K39057-CA* Rating LO, San Joaquin River Agreement Project, Updated and New Information, The Acquisition of Additional Water for Meeting the San Joaquin River Agreement Flow Objectives, 2001–2010, Vernalis Adaptive Management Plan



(VAMP), Mariposa, Merced, San Joaquin and Stanislaus Counties, CA.

**Summary:** EPA supports the objective of the Vernalis Adaptive Management Plan (VAMP), and recognizes the potential benefits of providing additional water as proposed in the Draft SEIS. EPA recommends that Reclamation provide more detail in the Final SEIS on the cumulative effects and energy impacts of acquiring this additional water for the VAMP.

#### Final EISs

**ERP No. F-COE-F39036-IL** Hunter Lake New Supplemental Water Supply Reservoir, Construction, City of Springfield Application for Permit, Sangamon County, IL.

**Summary:** EPA's concerns regarding purpose and need, alternatives analysis, and social-economics were satisfied by the Final EIS. However, EPA continued to have objections due to concerns with wetland delineation and mitigation.

**ERP No. F-IBR-K28019-CA** East Bay Municipal Utility District, Supplemental Water Supply Project, American River Division of the Central Valley Project (CVP), Sacramento County, CA.

**Summary:** EPA continues to have concerns regarding the proposed alternatives, source water quality, and consistency with proposed Central Valley Project Improvement Act (CVPIA) and CALFED actions.

**ERP No. F-IBR-K39062-00** Colorado River Interim Surplus Criteria, To Determine Water Surplus for use within the States of Arizona, California and Nevada (from 2001 through 2015), Colorado River Basin, AZ, CA and NV.

**Summary:** EPA remains concerned with the potential impacts of interim surplus criteria on perchlorate and the probability of more frequent and higher magnitude water shortages to other users of Lower Colorado River water. EPA requested that Reclamation continue to work with EPA and the Nevada Division of Environmental Protection on addressing perchlorate and to provide additional information in the Record of Decision on potential reparation/forbearance agreements among the Lower Basin states.

**ERP No. F-NPS-G65075-LA** Cane River Creole National Historical Park, General Management Plan, Natchitoches Parish, LA.

**Summary:** EPA had no further comments on the FEIS.

**ERP No. F-TVA-A09830-00** Adoption—Disposition of Surplus Highly Enriched Uranium, TVA proposes to obtain 33 Metric Tons of Highly Enriched Uranium (HEU) to blend down to Low Enriched Uranium (LEU) and Fabricated to Fuel for use in

Nuclear Reactors at Brown Ferry Nuclear Plant.

**Summary:** EPA expressed lack of objections with TVA's adoption of DOE's EIS. EPA had no concerns with DOE's final EIS, and TVA proposes to follow the same actions described in the DOE EIS.

Dated: March 13, 2001.

**Joseph C. Montgomery,**  
Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 01-6603 Filed 3-15-01; 8:45 am]

BILLING CODE 6560-50-P

#### ENVIRONMENTAL PROTECTION AGENCY

[SW-FRL-6953-1]

#### Proposed Decision Regarding the Request by Astaris Idaho LLC for Renewal of the Current Extension of the Land Disposal Restrictions (LDR) Effective Date for Hazardous Wastes Generated at the Pocatello, Idaho Facility

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed decision.

**SUMMARY:** The EPA is proposing to approve the request submitted by Astaris Idaho LLC for renewal of the current Case-by-Case (CBC) extension which established May 26, 2001, as the effective date of the Resource Conservation and Recovery Act (RCRA) land disposal restrictions (LDR) applicable to hazardous wastes generated at the Astaris Idaho LLC facility located in Pocatello, Idaho. This action responds to the request submitted by Astaris Idaho LLC to renew the original CBC extension, for up to one additional year, if the seven demonstrations required still can be made. If approved, this action would extend the effective date of the LDR for these waste streams to May 26, 2002. By statute, the EPA cannot grant further extensions of the effective date.

**DATES:** To make sure we consider your comments in developing a final decision on the Astaris request for renewal of the current CBC extension of the LDR effective date for the subject waste streams, you must submit your comments on or before April 6, 2001.

**ADDRESSES:** The official record for this action is identified as Docket Number F-2001-FM2P-FFFFF. Public comments and supporting materials are available for viewing in the RCRA Information Center (RIC), located at Crystal Gateway I, First Floor, 1235 Jefferson Davis Highway, Arlington, VA. The RIC is open from 9:00 a.m. to 4:00

p.m., Monday through Friday, excluding federal holidays. To review docket materials, it is recommended that you make an appointment by calling (703) 603-9230. You may copy a maximum of 100 pages from any regulatory docket at no charge. Additional copies cost \$0.15/page. The index and some supporting materials are available electronically. See the "Supplementary Information" section for information on accessing them.

You must send an original and two copies of your comments, referencing docket number F-2001-FM2P-FFFFF, to: (1) If using regular US Postal Service mail: RCRA Docket Information Center, Office of Solid Waste (5305G), U.S. Environmental Protection Agency Headquarters (EPA, HQ), Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, or (2) if using special delivery, such as overnight express service: RCRA Docket Information Center (RIC), Crystal Gateway One, 1235 Jefferson Davis Highway, First Floor, Arlington, VA 22202. Comments may also be submitted electronically through the Internet to: [rcra-docket@epa.gov](mailto:rcra-docket@epa.gov). Comments in electronic format should also be identified by the docket number F-2001-FM2P-FFFFF and must be submitted as an ASCII file avoiding the use of special characters and any form of encryption.

You may claim information that you submit in response to this notice as confidential by marking any part or all of that information as Confidential Business Information (CBI). Information so marked will not be disclosed, except in accordance with procedures set forth in 40 CFR part 2. Commenters should not submit any CBI electronically. An original and two copies of CBI must be submitted under separate cover to: RCRA CBI Document Control Officer, c/o Regina Magbie, Office of Solid Waste (5305W), U.S. EPA, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. If you submit CBI by courier/overnight express, an original and two copies of the CBI must be sent to: RCRA CBI Document Control Officer, Regina Magbie, Office of Solid Waste (5305W), U.S. EPA, 2800 Crystal Drive, 7th Floor, Arlington, VA 22202. A copy of the comment that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential will be included in the public docket by the EPA without prior notice.

**FOR FURTHER INFORMATION CONTACT:** For general information about this notice,



contact the RCRA Hotline at (800) 424-9346 or TDD (800) 553-7672 (hearing impaired). In the Washington, DC, metropolitan area, call (703) 412-9810 or TDD (703) 412-3323.

For more detailed information on specific aspects of this CBC extension renewal, contact Mr. William Kline, Office of Solid Waste, 5302W, U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460, (703) 308-8440, (e-mail address: kline.bill@epa.gov).

**SUPPLEMENTARY INFORMATION:** The index of supporting materials evaluated by the EPA in reaching our determination to propose approval of the requested CBC extension renewal is available on the Internet. You will find this index at <<http://www.epa.gov/epaoswer/hazwaste/ldr/fmc.htm>>. The official record for this action will be kept in paper form. Accordingly, the EPA will transfer all comments received electronically into paper form and place them in the official record, which will also include all comments submitted directly in writing. The official record is the paper record maintained at the location noted in **ADDRESSES** at the beginning of this document.

The EPA's responses to comments, whether the comments are written or electronic, will be in a notice in the **Federal Register** or in a response to comments document placed in the official record for this rulemaking. The EPA will not immediately reply to commenters electronically other than to seek clarification of electronic comments that may be garbled in transmission or during conversion to paper form, as discussed above.

The information in this section is organized as follows:

- I. Background and Purpose of This Notice of Proposed Decision
  - A. Summary
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  - C. What Regulatory and Other Actions Have Led up to the CBC Extension Renewal?
  - D. What Other Actions Are Underway at the Pocatello facility?
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- II. Overview of the FMC/Astaris Request for Renewal of the Case-by-Case Extension
  - A. What is the Basis for FMC/Astaris Requesting Renewal of the Current CBC Extension?
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- C. Summary of the FMC/Astaris Request for Renewal of the Current CBC Extension.
- D. Potential Use of a Different Technology by FMC/Astaris to Address Generated Wastes.
- III. The EPA's Evaluation of Demonstrations Provided by FMC/Astaris Under 40 CFR 268.5(a)
- IV. Consultation with the State of Idaho and the Shoshone-Bannock Tribes
- V. What is the EPA's Proposed Determination on the FMC/Astaris Request for a renewal of the Current CBC Extension?
- VI. How Can I Influence the EPA's Determination Regarding this Requested CBC Extension Renewal?
- VII. What Happens After We Receive Your Comments?
- VIII. Administrative Requirements
  - A. Executive Order 13175: Consultation and Coordination with Indian Tribal Governments
  - B. Executive Order 13132 (Federalism)

## I. Background and Purpose of This Notice of Proposed Decision

### A. Summary

Effective April 17, 2000, Astaris Idaho LLC became the owner and operator of the former FMC Pocatello facility (previously owned by FMC Corporation). Astaris Idaho LLC is a joint venture, comprising the combined phosphorous chemical businesses of FMC Corporation and Solutia, Inc. As such, Astaris Idaho LLC has responsibility for the construction, operation, and maintenance aspects of the planned LDR Treatment Plant at the Pocatello, Idaho facility. However, FMC Corporation retains responsibility for funding the capital costs and for implementing all RCRA Consent Decree projects, including the proposed LDR Treatment Plant. Likewise, we refer solely to FMC Corporation (FMC) when noting any actions that occurred at the Pocatello facility prior to the April 17, 2000, effective date of the joint venture. Previous notices regarding this facility identified it as FMC Pocatello. For the purposes of this notice of proposed decision, we simply will refer to FMC/Astaris as the applicant for the CBC extension renewal.

FMC/Astaris requests a one-year renewal of the current (case-by-case) extension of the RCRA land disposal restrictions (LDR) effective date that expires on May 26, 2001. This CBC extension is applicable to five hazardous waste streams generated at the Pocatello facility (EPA Identification Number: IDD070929518), located on as well as adjacent to Shoshone-Bannock Tribes' lands, referred to as the Fort Hall Indian Reservation. These five waste streams, which are generated in the production of elemental phosphorous, are: (1) Non-Hazardous Slurry

Assurance Project (NOSAP) Slurry, (2) Medusa Scrubber Blowdown, (3) Furnace Building Washdown, (4) Precipitator Slurry, and (5) Phossey Water. These five waste streams exhibit two characteristics of hazardous waste: reactivity due to the presence of cyanide and phosphine, and ignitability. The wastes are generated in large quantities and pose unique handling, treatment, and disposal considerations, given the presence of elemental phosphorous and cyanide. Each of these waste streams also contains varying levels of Naturally Occurring Radioactive Material (NORM) which most off-site commercial TSDs are not permitted to manage.

The initial CBC extension was approved by EPA due to the demonstrated lack of available treatment capacity for these five waste streams and the stated need for additional time to complete design work, construct, and begin operation of an on-site treatment plant to treat these wastes. FMC/Astaris states, as described in more detail in section III of this notice, that there is a continued lack of available treatment capacity for these wastes. Also, more time is needed to finish the design of the treatment plant, construct it, and commence operation. If this proposed action is finalized, FMC/Astaris will be allowed to continue to treat, store, or dispose of these five waste streams, as currently managed in on-site surface impoundments, until May 26, 2002, without being subject to the LDR applicable to these wastes.

A RCRA Consent Decree (U.S. v. FMC Corporation) was entered in July 1999, to address past mishandling of these wastes and to avoid future environmental contamination. The Consent Decree requires closure of certain on-site ponds, tank system upgrades to comply with RCRA standards, implementation of SEPs<sup>1</sup> to address air quality, and for FMC to design, construct, and commence operation of an LDR—Compliant Treatment System by May 2002. The Shoshone-Bannock Tribe raised an unsuccessful legal challenge to the Consent Decree, citing, among other reasons, their opposition to the continued generation and on-site disposal of these hazardous wastes.

The EPA is proposing to approve the request made by FMC/Astaris for a one-year renewal of the current CBC extension of the RCRA land disposal restrictions (LDR) which expires on May 26, 2001. For this CBC extension

<sup>1</sup> Supplemental Environmental Projects—environmentally beneficial projects undertaken by a defendant in an enforcement case in order to reach a settlement, but which the defendant is not otherwise legally required to perform.

renewal to be approved, FMC/Astaris must make each of the seven demonstrations required under section 268.5(a), including that there is insufficient capacity to treat these wastes to meet current LDR requirements, that a binding contractual commitment has been made to construct the necessary treatment capacity, and that such treatment capacity cannot reasonably be made available by the effective date. If this proposed action is finalized, FMC/Astaris will be allowed to continue to manage these five waste streams in on-site surface impoundments, until May 26, 2002, without being subject to the land disposal restrictions (i.e. treatment standards preceding land disposal) applicable to these wastes. No further extension of the LDR effective date for these five wastes is allowed by law.

*B. What is the Congressional Mandate Behind the Land Disposal Restrictions (LDR) and Extensions of the LDR Effective Date?*

The Resource Conservation and Recovery Act (RCRA) establishes a program for controlling hazardous waste from the time it is generated, through its treatment and storage, until its ultimate disposal. The RCRA Hazardous and Solid Waste Amendments (HSWA) of 1984 imposed additional responsibilities on persons managing hazardous wastes. Among other things, HSWA required the EPA to develop regulations that prohibit the land disposal of certain hazardous wastes by specified dates in order to minimize threats to human health and to the environment posed by land disposal of these wastes. The EPA also was required to set "levels or methods of treatment, if any, which substantially diminish the toxicity of the waste or substantially reduce the likelihood of migration of hazardous constituents from the waste so that short-term and long-term threats to human health and the environment are minimized." Characteristic hazardous wastes must be treated not only to remove the characteristic property that identifies them as hazardous, but also to treat any hazardous constituents that may be present in the wastes in significant concentrations (so-called "underlying hazardous constituents"). See *Chemical Waste Management v. EPA*, 976 F. 2d 2, 14-17 (D.C. Cir. 1992).

Congress recognized that adequate alternative treatment, recovery, or disposal capacity which is protective of human health and the environment may not always be available by the applicable statutory effective dates. As such, the EPA is authorized to grant a

national capacity variance from the effective date which would otherwise apply to specific hazardous wastes, based on the earliest dates that such capacity will be available but not to exceed two years. In addition, the EPA is authorized to grant an additional extension of the applicable LDR deadline, on a case-by-case basis, for up to one year. Such an extension is renewable once for up to one additional year. The requirements for obtaining a CBC extension of a LDR effective date are found in Part 268—Land Disposal Restrictions, section 268.5(a). The specific requirements for obtaining the renewal of a CBC extension of a Land Disposal Restriction (LDR) effective date, the subject of this notice of proposed decision, are found in Part 268—Land Disposal Restrictions, section 268.59(e).

*C. What Regulatory and Other Actions Have Led Up to This CBC Extension Renewal?*

On January 25, 1996 (61 FR 2338), the EPA published a supplemental proposed rule that addressed land disposal restrictions applicable, among others, to characteristic mineral processing wastes. On behalf of its elemental phosphorous plant located in Pocatello, Idaho (Pocatello facility), FMC submitted a petition to request a two-year national capacity variance from the Phase IV LDR requirements, citing the lack of available treatment capacity in the U.S. for certain wastes generated by its Pocatello facility. FMC later submitted supplemental comments to its petition for a national capacity variance, informing the EPA that it could not design a treatment unit for its wastes until the applicable treatment standards and the wastes subject to treatment were defined.

On June 27, 1996, the EPA agreed to a motion for amendment of a 1994 consent agreement (*Environmental Defense Fund, Inc. v. Browner*, No. 89-0598 (D.D.C.)) that allowed the EPA to establish a later date for promulgating the final Phase IV Supplemental Rule. FMC submitted supplemental comments to its petition for a national capacity variance, informing the EPA that it could not design a treatment unit for its wastes until the applicable treatment standards and the wastes subject to treatment were defined.

In February 1997, attorneys for the United States met with and informed the Tribal governing body of duly elected tribal officials, the Fort Hall Business Council, representing the federally recognized Shoshone-Bannock Tribes, on whose lands the Pocatello facility is located, that the United States

intended to file an action against FMC for certain violations of the RCRA statute, i.e., FMC's past mishandling of hazardous wastes. This action and subsequent negotiations led to the eventual entry of a proposed Consent Decree in October 1998, as described below.

On May 12, 1997 (62 FR 26041), the EPA proposed to grant a two-year national capacity variance for three of the facility's waste streams, i.e., Medusa Scrubber Blowdown, Anderson Filter Media Rinsate, and Furnace Building Washdown. FMC submitted comments, noting that the Anderson Filter Media Rinsate had been eliminated by applying pollution prevention techniques. However, FMC identified three additional waste streams (Precipitator Slurry, NOSAP Slurry, and Phoshy Water) generated in the same elemental phosphorous production process for which treatment capacity that satisfied the LDR requirements was not available. As such, FMC likewise stated the need for these three additional wastes to be granted the proposed two-year national capacity variance.

On May 26, 1998 (63 FR 28556), the EPA promulgated the Final LDR Phase IV rule and granted a two-year national capacity variance for newly identified characteristic wastes from elemental phosphorous processing, including the five waste streams generated at the Pocatello facility. This national capacity variance extended the LDR effective date for these wastes to May 26, 2000.

In September 1998, the United States agreed to delay the lodging of the Consent Decree to explore options for penalty sharing with the Tribes. The Tribes subsequently were offered the opportunity to become a formal party to the Consent Decree but on October 9, 1998, the Fort Hall Business Council declined to sign the Consent Decree and passed a Resolution opposing it.

On October 16, 1998, the United States lodged the proposed Consent Decree in U.S. District Court for the District of Idaho and held a public comment period on the proposed Consent Decree until December 18, 1998.

On March 29, 1999, the United States filed a Motion for Entry of the Proposed Consent Decree (*United States v. FMC, Civ. No. 98-0406-E-BLW*), requiring that FMC design and construct a treatment system, referred to as the LDR Treatment System, that will treat the Pocatello facility's production wastes to the LDR treatment standards. Under this RCRA Consent Decree, FMC must begin operating the LDR Treatment System by May 2002. The Tribes filed a Motion to

Intervene on April 23, 1999 and the District Court granted this motion on May 18, 1999. A Memorandum of Opposition for Entry of the Proposed Consent Decree subsequently was filed by the Tribes. The United States submitted a Memorandum in Support of Motion of the United States for Entry of Proposed Consent Decree, dated May 27, 1999. This reply Memorandum addressed the Tribes' concerns and expressed regret that the Tribes apparently believe their interests are not being fully protected in this matter. It is noted in the "Reply Memorandum in Further Support of Motion of the United States for Entry of Proposed RCRA Consent Decree," dated May 27, 1999, that FMC would need to obtain Case-by-Case extensions of the LDR effective date, per the requirements of 40 CFR 268.5, in order to allow the continued discharge of wastes to the facility's on-site surface impoundments, beyond the May 26, 2000 expiration date of the national capacity variance.

On July 12, 1999, FMC Corporation submitted to the EPA a request, along with documentation to support the required seven demonstrations in section 268.5, for a one-year CBC extension of the LDR effective date for the five waste streams generated at its facility located in Pocatello, Idaho.

On July 13, 1999, after reviewing a Memorandum of Opposition for Entry of the Proposed Consent Decree, filed by the Tribes, and memoranda filed by the United States and FMC in response to the Tribes' Memorandum, the District Court granted the United States' motion for leave to enter as final the Consent Decree.

The Shoshone-Bannock Tribes filed Notice of Appeal on August 11, 1999 and on November 29, 1999, filed an appeal of the final RCRA Consent Decree (Appeal No. 99-35821) in the United States Court of Appeals for the Ninth Circuit. This appeal was ultimately denied.

On March 8, 2000 (65 FR 12233), the EPA proposed to approve FMC's request for a one-year CBC extension of the LDR effective date, based upon a determination that FMC had fulfilled the criteria of 40 CFR 268.5(a) which sets forth the required demonstrations to be made in requesting a CBC extension of a LDR effective date.

On April 17, 2000, Astaris Idaho LLC, a joint venture comprising the combined phosphorous chemical businesses of FMC Corporation and Solutia, Inc., became the owner and operator of the former FMC Pocatello facility (previously owned by FMC Corporation).

On May 2, 2000, Elizabeth Cotsworth (Director of the EPA Office of Solid Waste) met with the Fort Hall Business Council (duly elected tribal members representing the Shoshone-Bannock Tribes, which are federally recognized), in Pocatello, Idaho, to consult with the Tribes regarding FMC's initial request for a CBC extension of the LDR effective date.

On May 31, 2000 (65 FR 34694), the EPA issued final approval of the requested initial CBC extension, extending the LDR effective date to May 26, 2001.

On June 9, 2000, representatives of the Shoshone-Bannock Tribes met with Tim Fields (then-Assistant Administrator of the EPA Office of Solid Waste and Emergency Response) to discuss issues regarding the Fort Hall Indian Reservation. Mr. Fields and the Tribal representatives discussed the Agency's consultation process, in general, and, more specifically, as applied to both the then-recently approved initial CBC extension and the anticipated request by FMC/Astaris for renewal of the CBC extension of the RCRA Land Disposal Restrictions (LDR) for the five subject waste streams.

On November 1, 2000, FMC/Astaris submitted a request to the EPA for a one-year renewal of the current CBC extension, until May 26, 2002.

#### *D. What Other Actions Are Underway at the Pocatello facility?*

The Consent Decree is only one of several actions underway to address the environmental impact of operations at the Pocatello facility. Groundwater and soil contamination from old ponds are being addressed under a CERCLA Record of Decision (ROD), issued on June 8, 1998. The United States is negotiating a separate Consent Decree with FMC and the owner of another nearby facility to perform the Remedial Action selected in the ROD. Particulate air emissions at this facility are being addressed in the proposed Federal Implementation Plan, issued pursuant to the Clean Air Act on February 12, 1999. Once finalized, there will be federally enforceable limits/control requirements applicable to the particulate emissions.

#### *E. What Demonstrations Must be Evaluated by the EPA in Reviewing a Request for a CBC Extension (or Renewal of CBC Extension) of the LDR Effective Date?*

In order to receive approval for a CBC extension (or renewal of a CBC extension), the EPA must evaluate the extent to which the FMC/Astaris has addressed the following seven

demonstrations, as specified in 40 CFR 268.5:

1. Made a good-faith effort to locate and contract with treatment, recovery, or disposal facilities nationwide to manage the waste streams (40 CFR 268.5(a)(1)).

2. Entered into a binding contractual commitment to construct or otherwise provide alternative capacity (40 CFR 268.5(a)(2)).

3. Showed that due to circumstances beyond the applicant's (FMC/Astaris) control, alternative capacity cannot reasonably be made available by the applicable effective date (40 CFR 268.5(a)(3)).

4. Showed that the treatment capacity to be provided will be sufficient to manage the entire quantity of the five waste streams for which the CBC extension is requested (40 CFR 268.5(a)(4)).

5. Submitted a detailed schedule for obtaining required operating and construction permits or an outline of how and when alternative capacity will be available (40 CFR 268.5(a)(5)).

6. Showed that sufficient capacity has been arranged to manage the entire quantity of waste which is the subject of the application during the requested extension period, and document the location of all facilities at which the waste will be managed during the extension period (40 CFR 268.5(a)(6)).

7. Showed that any surface impoundment used to manage these five wastes during the extension period meets minimum technological requirements (40 CFR 268.5(a)(7)).

## **II. Overview of the FMC/Astaris Request for Renewal of the Case-by-Case Extension**

### *A. What is the Basis for FMC/Astaris Requesting Renewal of the Current CBC Extension?*

On November 1, 2000, FMC/Astaris submitted a request to the EPA to renew the current CBC extension, that expires on May 26, 2001, for one additional year, until May 26, 2002. FMC/Astaris provided documentation demonstrating, as was the case when the EPA approved the initial CBC extension for these wastes in May 2000 (see 65 FR 34694, May 31, 2000), that there still is no available off-site commercial treatment capacity for these five waste streams. A more detailed discussion of this situation is provided in Section III.A of this notice. FMC/Astaris also provided documentation to show that, since approval of the initial CBC extension, steady and significant progress has been made toward completing the design, procuring equipment, and commencing

construction of the proposed LDR Treatment Plant (see sections III.B through III.E of this notice for further discussion of this matter). However, as was anticipated at the time of approval of the initial CBC extension, additional time still is needed to complete the design work, finish construction, and begin operation of the LDR Treatment Plant. The target date for bringing the LDR Treatment Plant on-line remains to be May 2002. This CBC extension renewal, if approved, is the final extension of the LDR effective date available to these five waste streams. The RCRA Consent Decree, entered as final on July 13, 1999, likewise requires that the LDR Treatment System be constructed and in operation by May 2002. It also prohibits the discharge of untreated hazardous wastes to the facility's on-site surface impoundments (Pond 17 and Pond 18) after May 26, 2002.

*B. How Does RCRA Consent Decree Impact and Correlate With the Requested Renewal of the CBC Extension?*

The Pocatello facility is located on, as well as adjacent to, Shoshone-Bannock Tribes' lands, referred to as the Fort Hall Indian Reservation. Elemental phosphorous has been produced at this location for the past 50 years. The Tribes are concerned about the cleanup of past environmental contamination resulting from these operations and the risks posed by the continued discharge of untreated hazardous wastes into on-site surface impoundments. The RCRA Consent Decree, initially filed in October 1998, was negotiated to promptly address FMC's past mishandling of hazardous wastes and to avoid future environmental contamination. On July 13, 1999, the U.S. District Court for the District of Idaho entered as final the RCRA Consent Decree (*United States v. FMC Corp., Civ. 98-0406-E-BLW*). This RCRA Consent Decree mandates certain requirements regarding the management of the Pocatello waste streams, including site-specific treatment requirements to deactivate ignitable and reactive waste streams, and the requirement to design, construct, and commence operation of a Land Disposal Restrictions Treatment System (LDR Treatment System) for these waste streams by no later than May 2002. It also specifically requires closure of specified on-site surface impoundments (ponds) used to manage the generated wastes, establishes a Pond Management Plan, and mandates certain plant upgrades. These upgrades include, for example, the installation of secondary

containment for sumps, tanks, and piping inside the Furnace Building and at the Phos Dock area.

The terms of this RCRA Consent Decree address many of the demonstrations required under 40 CFR part 268 to obtain a CBC extension (or renewal of a CBC extension) of the LDR effective date. However, the RCRA Consent Decree does not negate the need for CBC extensions to allow the continued discharge of the LDR subject wastes to on-site surface impoundments while the planned LDR Treatment Plant is being designed and constructed. A detailed discussion of this overlap was provided in the March 8, 2000 (65 FR 12233) and May 31, 2000 (65 FR 34694) **Federal Register** notices to address the initial CBC extension.

Compliance with the terms of the RCRA Consent Decree, in essence, satisfies what needs to be documented for certain of the required demonstrations for a CBC extension, thus ensuring consistency of both the CBC extension and RCRA Consent Decree processes. As with the initial CBC extension, the requirements mandated under the RCRA Consent Decree will support the CBC extension renewal that the EPA is proposing to approve today and, used in conjunction, to further compel that operation of the LDR Treatment Plant begins by May 2002. Approval of a CBC extension renewal of the LDR effective date does not alter any terms of the RCRA Consent Decree and, in actuality, would only remain effective contingent upon compliance with the terms of the RCRA Consent Decree.

*C. Summary of the FMC/Astaris Request for Renewal of the Current CBC Extension*

The Pocatello facility (EPA Identification Number: IDD070929518), located on as well as adjacent to Shoshone-Bannock Tribes' lands, referred to as the Fort Hall Indian Reservation, manufactures elemental phosphorous. Elemental phosphorous is produced by feeding a combination of phosphate ore, coke, and silica rock into electric arc furnaces. The elemental phosphorous is shipped to other facilities to produce phosphates and other phosphorous-based products, for use in numerous products, including processed foods, beverages, detergents, cleaners, agricultural chemicals, and water treatment chemicals.

This elemental production process generates large quantities of five waste streams that pose unique handling, treatment, and disposal considerations, given the presence of elemental phosphorous and cyanide, causing the

wastes to exhibit the characteristic of reactivity for phosphine and hydrogen cyanide gas, and also to exhibit the characteristic of ignitability. A more detailed discussion of the characteristics and management of these wastes can be found in the March 8, 2000 (65 FR 12233) and May 31, 2000 (65 FR 34694) **Federal Register** notices to address the initial CBC extension. Each of these waste streams also contains varying levels of Naturally Occurring Radioactive Material (NORM) which most off-site commercial TSDs are not permitted to manage. These wastes are:

1. *Precipitator Slurry*: a mixture of water and dust, consisting of the suspended particulates removed from the electric arc furnace off gases by electrostatic precipitators and collected in slurry pots.

2. *Non-Hazardous Slurry Assurance Project (NOSAP Slurry)*: precipitator slurry that, when mixed with lime, meets minimum quality criteria.

3. *Phossy Water*: water that had been used in contact with the phosphorous from the point the elemental phosphorous leaves the primary condensers and is handled in various intermediate operations leading to transfer to railroad tank cars for off-site shipment.

4. *Medusa Scrubber Blowdown*: wastewater from Medusa venturi scrubbers that are used to treat smoke and fumes from furnace tapping, slag and metal runners, and the ferrophos cooling area.

5. *Furnace Building Washdown*: water collected in four sumps from numerous sources within the furnace building.

The initial CBC extension was requested due to the lack of available treatment capacity for these five waste streams and the need for additional time to design, construct, and begin operation of an on-site LDR Treatment Plant that would treat these five wastes to meet applicable treatment standards. FMC/Astaris requests a one-year renewal of the current CBC extension (expires on May 26, 2001) of the effective date of the RCRA land disposal restrictions (LDR) applicable to these five waste streams. The five waste streams are and would continue to be managed in two on-site surface impoundments (Ponds 17 and 18) until the LDR Treatment Plant is operational, no later than, May 26, 2002. These two surface impoundments into which these wastes would be placed during the CBC extension renewal, if approved, were constructed to meet the RCRA minimum technological requirements of 40 CFR 268.5(h)(2) (which implements section 3005(j)(11) of the statute), including liners and groundwater monitoring, and

must be operated in compliance with the Pond Management Plan, as incorporated into the Consent Decree.

FMC/Astaris has provided documentation that updates and supplements the data that initially had been submitted to support the demonstrations required to obtain an initial CBC extension. FMC/Astaris has submitted an updated survey of available commercial treatment capacity. Significant additional design details of the planned LDR Treatment Plant and many purchase orders also have been provided—to further show their commitment to this project. These additional data are discussed in section III of this notice. As required under the current CBC extension, FMC/Astaris has submitted monthly progress reports to the EPA. In essence, these reports show that FMC/Astaris has made continued progress toward completing the design of the treatment plant, procuring equipment, and initiating construction of the infrastructure for the planned facility.

FMC/Astaris is in the process of designing and constructing a treatment unit, referred to as the LDR Treatment Plant, that will treat these five waste streams, using a modified Zimpro treatment process, to meet the applicable treatment standards. This treatment system will reduce the levels of elemental phosphorous and cyanide in the wastes such that the treated wastes do not exhibit the characteristic of reactivity for phosphine and hydrogen cyanide gas or the characteristic of ignitability. Underlying hazardous constituents, contained in the wastes, also must be maintained or fixed in a nonleachable form for stabilization treatment prior to disposal. The LDR Treatment Plant, employing this treatment technology, will process three primary waste streams:

1. Discharge from Tank V3800 (Phossey Water),
2. Discharge from Tank V3600 in the Furnace Building (Medusa Scrubber Blowdown, Furnace Building Washdown, and Precipitator Slurry), and
3. Solids reclaimed from Pond 18 (the RCRA Consent Decree requires that solids accumulated in Pond 18 be removed and treated within five years after the LDR Treatment System commences operation).

Once the LDR Treatment Plant is operational, the NOSAP system will no longer be necessary, thereby eliminating the NOSAP Slurry waste stream. Operating the LDR Treatment Plant also ultimately will eliminate the need for the continued use of the on-site surface impoundments.

The Shoshone-Bannock Tribes oppose the continued generation and disposal of these untreated wastes in the Pocatello on-site surface impoundments.

#### *D. Potential Use of a Different Technology by FMC/Astaris to Address Generated Wastes*

FMC/Astaris recently has informed the EPA that it now is considering a technology, referred to as a High Temperature Dust Filtration (HTDF) System, that would be incorporated into the elemental phosphorus production process. This system would be located directly after the electric arc furnaces and replace the existing phosphorus recovery system, which comprise a series of two electrostatic precipitators (ESP) and two condensers. Eliminating the existing phosphorus recovery system also would eliminate three of the five hazardous waste streams that are the subject of the CBC extension renewal. If employed, the HTDF system would eliminate the Precipitator Slurry, NOSAP Slurry, and Phossey Water waste streams. As such, the HTDF technology, by eliminating these three hazardous waste streams (it is claimed), would eliminate the need for a system to treat these wastes to meet the LDR standards. FMC/Astaris claims that the HTDF system would impact, but not necessarily eliminate the remaining two waste streams, i.e., Medusa Scrubber Blowdown, and Furnace Building Washdown, that likewise are the subject of the CBC extension renewal request. FMC/Astaris is continuing to evaluate their options for addressing these wastes and have stated their intent to submit information to EPA in late March 2001 regarding the planned management of these waste streams.

According to FMC/Astaris, advantages of the HTDF technology, a version of a baghouse, include:

- Captures a greater quantity of phosphorus than the current recovery system.
- Improves the quality of the phosphorus.
- Minimizes cyanide formation.
- Eliminates most water-borne waste streams and the ponds needed to manage these waste streams.
- Potentially reduces air emissions from the furnace off-gas.

As of today's publication of this notice of proposed decision, FMC/Astaris has not yet made a final decision whether to choose the HTDF technology and thus abandon the planned LDR Treatment Plant that already is being constructed. One issue, in particular, that FMC/Astaris is trying to resolve, with Tribal input, is how to address the

Pond 18 accumulated solids that are currently mandated by a RCRA Consent Decree to be treated within five years of startup of the planned LDR Treatment Plant. The HTDF system described above would not treat already-generated wastes; it would prevent generation of new ones.

A decision by FMC/Astaris to pursue the HTDF technology, a process retrofit, rather than the LDR Treatment Plant technology, as originally proposed to address the five wastes subject to the LDRs and on which the current CBC extension is based, would not automatically cause the EPA to revoke the current CBC extension. However, FMC/Astaris is required to immediately notify EPA of any change in the demonstrations made in the application for the CBC extension (see 40 CFR 268.5(f)). As noted in the FR notice of final approval of the current CBC extension (May 31, 2000 (65 FR 34694)), this extension remains in effect unless the facility fails to make a good-faith effort to meet the schedule for completion, the Agency denies or revokes any required permit, conditions certified in the application change, or the facility violates any law or regulations implemented by EPA. The monthly progress report also must identify any delay or possible delay in developing this treatment capacity and describe the mitigating actions being taken in response to the event (40 CFR 268.5(g)). FMC/Astaris has alerted the EPA Region 10 that it is giving serious consideration to the HTDF technology as the means to eliminate three of the five hazardous waste streams now generated and thus serve as a replacement for the planned LDR Treatment Plant. Meanwhile, until FMC/Astaris reaches a final decision regarding implementation of the HTDF technology, construction of the LDR Treatment Plant is proceeding on schedule.

If FMC/Astaris decides to substitute the HTDF technology in place of the LDR Treatment Plant, and this fact is reflected in the RCRA Consent Decree, FMC/Astaris would need to submit an amended CBC extension renewal application to the EPA. However, EPA anticipates that certain of the demonstrations made in support of the November 1, 2000 application for renewal of the CBC extension, as discussed in section III of this notice, will remain unchanged. For any alternative technology, FMC/Astaris would need to place emphasis, in particular, on (1) their binding contractual commitment to design, install, and operate the technology, (2) the reason that this technology could

not have been implemented earlier, and (3) a schedule that shows the milestones, including obtaining the necessary permits, for bringing the HTDF system on-line by no later than May 26, 2002. After reviewing the new and additional information provided by FMC/Astaris, the EPA would determine the most appropriate means by which to provide public notice of the change in technology. Options include: (1) Prior to the May 26, 2001 expiration date of the current CBC extension, publish a supplemental notice of proposal regarding our decision on whether FMC/Astaris has met each of the seven demonstrations in 40 CFR 268.5, (2) provide informal notice to interested parties, and (3) proceed through the process to reach a final decision regarding the action being proposed today followed-up by subsequent action, if needed, to provide opportunity for public comment on the supplemental notice of change in technology. The EPA is discussing this issue now, even though FMC/Astaris has not made a definitive decision to proceed with the HTDF technology and even though details about using this prospective technology rather than the planned LDR Treatment Plant are not fully fleshed out, in order to give the public as much notice as possible regarding this situation. Also, in light of the pending end of the current CBC extension, and the absolute limit of any extension of the LDR effective date to no later than May 26, 2002, we think it prudent to give as much advance notice as possible, even if the information is incomplete at this time.

In any case, the current CBC extension of the LDR effective date for the five subject wastes will expire on May 26, 2001. And, regardless of whether FMC/Astaris decides to employ the HTDF technology or continue with the planned LDR Treatment Plant, only one additional extension of the LDR effective date, until May 26, 2002, remains available for these five waste streams. This is because, by the express terms of RCRA section 3004(h)(3), case-by-case extensions date from the waste prohibition date, and can extend that date no more than four years.

### III. The EPA's Evaluation of Demonstrations Provided by FMC/Astaris Under 40 CFR 268.5(a)

For the sake of clarity, the only mention of FMC is made when referring to actions and events regarding the Pocatello facility and the initial CBC extension that are solely attributable to FMC. For all other actions/events, for example, matters involving the renewal of the current CBC extension, the term

FMC/Astaris is used to indicate joint involvement and responsibility. The following is a summary of each of the seven demonstrations required under 40 CFR 268.5(a) to obtain a CBC extension (and renewal of a CBC extension) and the EPA's evaluation of the adequacy of the demonstrations made by FMC/Astaris.

#### 1. Section 268.5 (a)(1)—The Applicant (FMC/Astaris) Has Made a Good-Faith Effort To Locate and Contract With Treatment, Recovery, or Disposal Facilities Nationwide To Manage its Waste in Accordance With the LDR Effective Date of the Applicable Restriction (i.e., May 26, 2001)

As discussed in the March 8, 2000 (65 FR 12233) and May 31, 2000 (65 FR 34694) **Federal Register** notices to address the initial CBC extension, several surveys of treatment, storage, and disposal facilities (TSDs) throughout the nation were conducted previously, in an effort to locate commercial treatment or disposal capacity. In September–October 2000, a follow-up survey of 33 TSD facilities was conducted by FMC/Astaris to determine what, if any, commercial treatment capacity was available for these waste streams. Results of this supplemental survey likewise can be found in the Docket. Consistent with the previous surveys, none of these TSD facilities was able or willing to provide treatment or disposal capacity for the Pocatello waste streams. Various reasons were noted by the TSDs in declining to manage these waste streams, including the presence of elemental phosphorous, the potential for generation of phosphine gas, levels of naturally occurring radioactive materials (NORM), and the volume of wastes to be managed. Likewise, the EPA is not aware of any available capacity for these waste streams. Given these findings, and that no commercial (or other) entity providing waste treatment has disputed these conclusions, we believe that FMC/Astaris has made a reasonable effort to try to locate adequate, alternative treatment capacity for the off-site management of the waste streams for which it is requesting a renewal of the current CBC extension of the LDR effective date. As such, the EPA concludes that FMC/Astaris has adequately fulfilled the requirements of this demonstration.

#### 2. Section 268.5 (a)(2)—The Applicant (FMC/Astaris) Has Entered Into A Binding Contractual Commitment To Construct or Otherwise Provide Alternative Treatment, Recovery, or Disposal Capacity That Meets the Treatment Standards Specified in 40 CFR Part 268, Subpart D or, Where Treatment Standards Have Not Been Specified, Such Treatment, Recovery, or Disposal Capacity is Protective of Human Health and the Environment

For the initial CBC extension request, documentation was provided showing that a contract had been entered into with Raytheon Engineers and Constructors to design and construct the planned LDR Treatment Plant. In addition to this contract, other documentation, including corporate approval of funds and numerous purchase orders for equipment, supplies, and services, was provided to further support the demonstration of a binding contractual commitment to construct the LDR Treatment Plant. Please see the March 8, 2000 (65 FR 12233) and May 31, 2000 (65 FR 34694) **Federal Register** notices, addressing the initial CBC extension, for further details on this information.

Since the EPA approved the initial CBC extension in May 2000, FMC/Astaris has provided additional documentation to further support their binding contractual commitment to providing the necessary treatment capacity. As noted earlier, Astaris has responsibility for the construction, operation, and maintenance aspects of the planned LDR Treatment Plant at the Pocatello facility. However, FMC Corporation retains responsibility for funding the capital costs and for implementing all RCRA Consent Decree projects, including the proposed LDR Treatment Plant. Under the RCRA Consent Decree, FMC is compelled to design and construct the proposed LDR Treatment System by May 2002. If FMC fails to meet the stipulations of this RCRA Consent Decree, it will be subject to significant monetary penalties. As such, FMC/Astaris has provided documentation of an Authorization for Expenditures, approved by FMC in June 2000, in the amount of \$122.5 million. Copies of approximately 70 Purchase Orders to obtain equipment, supplies, services also have been provided.

The EPA concludes that FMC/Astaris has provided the necessary documentation to meet this demonstration of its binding contractual commitment to provide the on-site treatment capacity needed to treat the subject waste streams, generated at the

Pocatello facility, to the applicable treatment standards.

*3. Section 268.5 (a)(3)—Due to Circumstances Beyond the Applicant's (FMC/Astaris) Control, Such Alternative Capacity Cannot Reasonably be Made Available by the Applicable Effective Date. This Demonstration May Include a Showing That the Technical and Practical Difficulties Associated With Providing the Alternative Capacity Will Result in the Capacity Not Being Available by the Applicable Effective Date*

As previously discussed in the March 8, 2000 (65 FR 12233) and May 31, 2000 (65 FR 34694) **Federal Register** notices, FMC has committed considerable resources and intensive effort toward determining and developing the most appropriate treatment technology for these five waste streams. Aside from the continuing lack of commercial treatment capacity and in addition to solving the numerous and essentially unique technical problems posed by these waste streams, FMC has needed to know the final Phase IV LDR treatment standards and engage in RCRA Consent Decree negotiations with the United States government.

In approving the current CBC extension, the EPA was convinced that FMC had acted in good faith to provide the necessary treatment capacity but that such capacity could not reasonably be made available by the LDR effective date. The EPA concluded that the lack of treatment capacity for these waste streams was due to circumstances beyond the control of FMC. These waste streams pose unique handling, safety, and treatment considerations, including the presence of elemental phosphorous and cyanide, and the potential for generation of phosphine and hydrogen cyanide gas. FMC demonstrated to the EPA's satisfaction that it had aggressively pursued the development of a technology capable of treating these waste streams to applicable treatment standards and was actively engaged in the design and construction of the treatment system to employ this technology to provide the necessary treatment capacity. However, it was not possible for FMC to construct the LDR Treatment Plant needed to provide the treatment capacity and to be operating by the May 26, 2000 expiration date of the national capacity variance.

The one-year initial CBC extension that was approved for these waste streams will expire on May 26, 2001. The monthly progress reports submitted by FMC/Astaris, since June 2000, continue to show that FMC/Astaris is proceeding ahead of and on schedule.

The EPA concludes that FMC/Astaris is continuing to make a good-faith and reasonable effort in their attempt to provide treatment capacity but that such capacity cannot reasonably be made available by May 26, 2001, the current effective date of the land disposal restriction for these waste streams. The EPA further concludes the lack of treatment capacity for these waste streams is due to circumstances beyond the control of FMC/Astaris. As such, FMC/Astaris has adequately met the demonstration of section 268.5(a)(3).

*4. Section 268.5 (a)(4)—The Capacity Being Constructed or Otherwise Provided by the Applicant (FMC/Astaris) Will be Sufficient To Manage the Entire Quantity of Waste That is the Subject of the Application*

The initial application for a CBC extension stated that the planned LDR Treatment Plant would have sufficient capacity to adequately treat the waste streams generated by the Pocatello facility. The documentation demonstrated that the treatment system would meet the LDR treatment standards, destroying elemental phosphorous and cyanide in the subject waste streams and removing the hazardous characteristics from these waste streams. Information regarding the process design flow and operating conditions of the proposed LDR Treatment Plant was also provided. This information showed that sufficient capacity would be provided to treat the full annual production of the five waste streams that are the subject of the requested CBC extension. Also, FMC/Astaris stated that the treatment capacity would likewise be sufficient to treat the accumulated solids in Pond 18, within five years of commencing operation of the LDR Treatment Plant, as is required by the RCRA Consent Decree. In response to questions raised by the EPA and the Shoshone-Bannock Tribes regarding the design capacity of the LDR Treatment Plant, FMC/Astaris has reaffirmed their commitment to ensure that the Pocatello facility definitely will have sufficient capacity to manage the five waste streams that are the subject of this CBC extension renewal as well as the Pond 18 accumulated solids required to be treated under the RCRA Consent Decree (see the March 8, 2000 (65 FR 12233) and May 31, 2000 (65 FR 34694) **Federal Register** notices.). FMC/Astaris also has noted that waste reduction initiatives being implemented at the Pocatello facility, along with upgrades to existing operations, will further ensure that the LDR Treatment Plant has sufficient capacity. Since approval of the current

CBC extension in May 2000, FMC/Astaris has reduced its estimate of the quantity of Pond 18 solids that will need to be removed and treated in the LDR Treatment Plant. This reduction in solids is attributed to improved efficiency and increased use of the NOSAP System. In their November 1, 2000 CBC extension renewal application, FMC/Astaris stated that the combined total of process waste and Pond 18 excavated material to be treated in the LDR Treatment Plant amounts to 3757 pounds/hour, significantly less than the 4900 pounds/hour design size of the Plant. If necessary, to further ensure sufficient treatment capacity, FMC/Astaris has committed to cut back plant production to reduce the quantity of wastes generated. The EPA is convinced that FMC/Astaris is committed to providing the necessary treatment capacity to ensure that the entire quantity of these five waste streams, for which FMC/Astaris is requesting a CBC extension renewal, will meet applicable treatment standards.

*5. Section 268.5 (a)(5)—the Applicant (FMC/Astaris) Provides a Detailed Schedule for Obtaining Operating and Construction Permits or an Outline of How and When Alternative Capacity Will be Available*

As previously discussed in the March 8, 2000 (65 FR 12233) and May 31, 2000 (65 FR 34694) **Federal Register** notices, addressing the initial CBC extension request by FMC/Astaris, FMC/Astaris has provided the EPA with a proposed schedule for the design, construction, and permitting of the LDR Treatment Plant to be constructed at its Pocatello, Idaho facility. This schedule, in effect, coincides with the schedule outlined under the Consent Decree for bringing the LDR Treatment System on-line by May 2002. The EPA, via the monthly progress reports submitted by FMC/Astaris, has monitored the progress made by FMC/Astaris toward its stated schedule for the design, construction, and operation of the LDR Treatment Plant. FMC/Astaris has shown that the plant design is essentially completed, considerable equipment has been procured, and site preparation is underway. The EPA concludes that FMC/Astaris has made a good faith effort in designing and beginning construction of the LDR Treatment Plant.

FMC/Astaris has provided a detailed schedule of milestones and dates for designing, constructing, and bringing the LDR Treatment on-line by May 2002. The Table below shows some of the recent and remaining key milestones



and dates in the schedule provided by FMC/Astaris. A more detailed schedule is in the Docket for this notice.

#### KEY MILESTONES AND DATES FOR LDR TREATMENT PLANT

Milestone	Date
Start site preparation major work	09/25/00
Complete Process Bldg. concrete design .....	01/08/01
Part B Submittal .....	03/01/01
Complete Process Bldg. piping design .....	03/02/01
Complete Process Bldg. steel erection .....	06/12/01
Complete Large Bore Pipe Installation .....	08/15/01
Commence off gas system startup	01/09/02
Final Mechanical Completion .....	01/08/02
Plant Operational .....	05/01/02

We conclude, subject to evaluation of public comments, that FMC/Astaris has provided the necessary design, construction and permitting milestones for bringing the LDR Treatment Plant on-line. Given that FMC/Astaris has successfully met its milestones to this point, the EPA is further convinced of the likelihood that the proposed LDR Treatment Plant will be successfully constructed and brought on-line by May 2002.

The EPA notes that the one-year CBC extension renewal being proposed today is the final extension of the LDR effective date available for these five wastes. As such, after the May 26, 2002 expiration date of the proposed CBC extension renewal, these five wastes are prohibited from land disposal unless they are treated to applicable treatment standards.

#### 6. Section 268.5 (a)(6)—The Applicant (FMC/Astaris) Has Arranged for Adequate Capacity To Manage its Waste During an Extension, and Has Documented the Location of All Sites at Which the Waste Will Be Managed

FMC/Astaris will continue to manage the five waste streams in two on-site surface impoundments, referred to as Ponds 17 and 18. As previously discussed in the March 8, 2000 (65 FR 12233) and May 31, 2000 (65 FR 34694) **Federal Register** notices, FMC/Astaris has provided data showing that each of these surface impoundments will have the necessary capacity available to manage these wastes until the planned LDR Treatment Plant becomes operational, no later than May 2002. In their November 1, 2000 CBC extension renewal application, FMC/Astaris provided updated information confirming that adequate capacity exists in Ponds 17 and 18 to manage these

waste streams during the proposed CBC extension renewal period, i.e., until May 26, 2002.

The EPA tentatively concludes that FMC/Astaris has provided the documentation necessary to satisfy the demonstration under section 268.5(a)(6).

#### 7. Section 268.5 (a)(7)—Any Waste Managed in a Surface Impoundment or Landfill During the Extension Period Will Meet the Requirements of 40 CFR 268.5(h)(2)

As previously described, the subject waste streams will continue to be managed in the on-site surface impoundments, i.e., Ponds 17 and 18, during the proposed CBC extension renewal until May 26, 2002. As previously discussed in the March 8, 2000 (65 FR 12233) and May 31, 2000 (65 FR 34694) **Federal Register** notices, addressing the initial CBC extension request by FMC/Astaris, FMC/Astaris had provided information demonstrating that both of these surface impoundments were constructed to meet the RCRA minimum technological requirements (MTRs) of 40 CFR 268.5(h)(2), including such protective measures as double liners, leak detection, and groundwater monitoring wells. The EPA concludes that FMC/Astaris has provided the documentation necessary to satisfy the demonstration under section 268.5(a)(7).

#### IV. Consultation With the State of Idaho and the Shoshone-Bannock Tribes

In accordance with 40 CFR 268.5(e), the EPA consulted with the State of Idaho—Idaho Division of Environmental Quality (IDEQ) to determine if the State had any permitting, enforcement, or other concerns regarding the Pocatello facility that the EPA should take into consideration in deciding to approve or deny the request for renewal of the current CBC extension of the LDR effective date. The State of Idaho has indicated its support for the approval of the CBC extension renewal requested by FMC/Astaris.

The majority of the Pocatello site, including most of the processing areas, is located on as well as adjacent to Shoshone-Bannock Tribes' lands, referred to as the Fort Hall Indian Reservation, on which is located the community of the Shoshone-Bannock Tribes. The Shoshone-Bannock Tribes oppose the continued generation and disposal of these untreated wastes in the Pocatello on-site surface impoundments.

Consistent with the Presidential Memorandum of April 29, 1994, the EPA has engaged in advance consultation with representatives of the

Tribes on both the initial CBC extension and this proposed CBC extension renewal. The EPA has taken numerous steps to engage the Tribes on this matter, including the meeting on May 2, 2000 to formally consult with the Tribes, consisting of:

- Requested FMC/Astaris to make sure that the Tribes are provided the same information as is provided to the EPA in evaluating both the initial CBC extension request and the extension renewal request.

- Held staff level discussions to obtain feedback on both the initial CBC extension and CBC extension renewal.

- For both the initial CBC extension and CBC extension renewal, provided the Tribes with an advance copy of the draft **Federal Register** notice of Proposed Decision and provided the Tribes three weeks for review and comment prior to publishing the FR notices. In conveying the draft **Federal Register** notices, the EPA asked for information and comments on whether FMC/Astaris adequately met the seven demonstrations required to qualify for a CBC extension. See section II of the May 31, 2000 (65 FR 34694) **Federal Register** notice for a discussion of the Tribes' comments on the initial CBC extension.

- Sent a letter offering to meet with Staff and/or the Fort Hall Business Council to discuss their comments on the draft **Federal Register** notices.

- Evaluated information submitted by the Tribes and, when appropriate, requested and reviewed additional information from FMC/Astaris.

- Subsequent to a meeting held on May 2, 2000, provided the Fort Hall Business Council with an additional opportunity to provide comments.

- Requested FMC/Astaris to make sure the Tribes were provided the monthly progress reports required as part of the approved CBC extension and that these reports be provided at the same time as when submitted to the EPA.

- Held a meeting on June 9, 2000, with representatives of the Shoshone-Bannock Tribes to discuss issues regarding the Fort Hall Indian Reservation, including the Agency's consultation process in general and specifically for the CBC Extension of the LDR for treating FMC/Astaris waste.

- Invited the Tribes to participate in a meeting, requested by FMC/Astaris held on August 1, 2000, to discuss the planned November 2000 submission by FMC/Astaris of a request to renew the current CBC extension.

- On September 1, 2000, the Tribes participated in a meeting with the EPA HQ and Region 10 staff to jointly develop a draft schedule by which the



EPA, in consultation with the Tribes, will address the FMC/Astaris CBC extension renewal.

- On October 31, 2000, the Tribes, along with the EPA HQ and Region 10 staff, participated in a meeting, requested by FMC/Astaris, to discuss the imminent submission and content of a request by FMC/Astaris that the EPA renew the current CBC extension.

- On December 12, 2000, a representative each for the Tribes, the EPA HQ, and the EPA Region 10, held a meeting to discuss concerns/issues regarding the information submitted by FMC/Astaris in their CBC extension renewal application of November 1, 2000. In followup to this meeting, a letter was sent to FMC/Astaris, requesting additional information and clarification of certain issues in their submittal.

The Tribes opposed granting the current CBC extension of the land disposal prohibition and pretreatment requirement, and remain opposed to any renewal of the current CBC extension, continuing to believe that these hazardous wastes must be treated prior to being land disposed. The United States continues to recognize and concurs that it does owe an important trust responsibility to the Tribes, on whose lands the Pocatello facility is located. Included in this responsibility is the duty of the United States to perform its obligations under RCRA and other statutes intended to protect the environment. We certainly recognize the Tribes's concerns regarding the continued placement of untreated hazardous wastes in on-site surface impoundments at the Pocatello facility. However, the EPA has closely evaluated FMC/Astaris efforts under section 3004 (h)(3) of the statute and the rules in 40 CFR 268.5 which implement that provision. The EPA is bound by the controlling law, and the ultimate and controlling issue in evaluating the FMC/Astaris application for renewal of the current CBC extension is whether FMC/Astaris has satisfied these statutory and regulatory conditions. The EPA finds that FMC/Astaris has met the rigorous requirements of those rules, and therefore, the mandatory renewal is triggered upon that finding.

#### **V. What is the EPA's Proposed Determination on the FMC/Astaris Request for a Renewal of the Current CBC Extension?**

As previously discussed in the March 8, 2000 (65 FR 12233) and May 31, 2000 (65 FR 34694) **Federal Register** notices, the United States continues to recognize and concur that it owes an important trust responsibility to the Tribes, on

whose lands the Pocatello facility is located. Of course, this includes the United States' responsibility to perform its obligations under RCRA and other statutes intended to protect the environment. We also acknowledge the Tribes's concerns regarding the continued placement of untreated hazardous wastes in the Pocatello on-site surface impoundments. However, as well as considering tribal concerns and recommendations, the United States must also consider other relevant facts when choosing a course of action. The EPA notes that the controlling law here is section 3004(h)(3) of the statute and the rules in 40 CFR 268.5 which implement that provision. These provisions establish that an applicant who satisfies the rigorous conditions for a CBC extension (or renewal of a CBC extension) will be granted one. Consequently, the ultimate and controlling issue in evaluating the initial CBC extension application, as well as this request for renewal of the extension, is whether FMC/Astaris has satisfied these statutory and regulatory conditions.

As previously noted, the EPA initially concludes that it is not yet feasible for FMC/Astaris to treat these wastes prior to placement in the on-site surface impoundments, constructed to meet the RCRA minimum technological requirements of 40 CFR 268.5(h)(2), and that there still is no available off-site commercial treatment capacity for these five waste streams. We continue to be convinced that the necessary treatment capacity and capability only will be available once the proposed LDR Treatment Plant is constructed and commences operation by May 2002. The EPA remains convinced that the Tribes's concerns about continued on-site disposal can most practically and judiciously be addressed by compelling FMC/Astaris to expeditiously proceed with the construction of the proposed treatment plant so as to have it operational at the earliest possible date. Based on progress made subsequent to the EPA's approval of the initial CBC extension for these five wastes, the EPA is satisfied that FMC/Astaris has made and is continuing to make a good-faith effort toward providing sufficient and appropriate treatment capacity for the five waste streams that are the subject of its request for a CBC extension renewal of the LDR effective date. The EPA also concludes that FMC/Astaris has made the necessary demonstrations to be granted a one-year renewal of the current CBC extension. Therefore, the EPA proposes to approve an extension of the applicable LDR effective date for

these five waste streams: (1) NOSAP Slurry, (2) Medusa Scrubber Blowdown, (3) Furnace Building Washdown, (4) Precipitator Slurry, and (5) Phosphy Water, generated at the Pocatello, Idaho facility, until May 26, 2002. If this proposed action is finalized, FMC/Astaris will be allowed to manage these five waste streams in on-site surface impoundments (Ponds 17 and 18), until May 26, 2002, without being subject to the land disposal restrictions applicable to these wastes. At that time, the proposed LDR Treatment Plant will have been constructed and will be in operation. No further extension of the LDR effective date is allowed. This extension renewal, if approved, would remain in effect unless the facility fails to make a good-faith effort to meet the schedule for completion, the Agency denies or revokes any required permit, conditions certified in the application change, or the facility violates any law or regulations implemented by the EPA. The EPA will maintain close oversight of the scheduled progress being made by FMC/Astaris towards bringing the LDR Treatment Plant into operation. Consistent with the current CBC extension, the EPA proposes that FMC/Astaris continue to submit a monthly progress report by the 26th day of each month, until June 26, 2002. FMC/Astaris continue to be bound by the terms of the RCRA Consent Decree to have this treatment plant operational by May 2002. If FMC/Astaris should fail to adhere to this schedule, such that compliance with the requirements of the Consent Decree is jeopardized, the EPA has the authority to terminate the current CBC extension, or proposed renewal of this extension of the LDR effective date.

#### **VI. How Can I Influence the EPA's Determination Regarding This Requested CBC Extension Renewal?**

We welcome your comments on the factual issues associated with each of the seven demonstrations made by FMC/Astaris to support the requested renewal of the current CBC extension and the EPA's evaluation of these demonstrations. In addition, we would like your comments on the appropriateness of the proposed one-year extension renewal of the LDR effective date for the five subject waste streams generated at the Pocatello facility. We are not requesting comments on the RCRA Consent Decree or regarding other ongoing or planned regulatory/enforcement activities at the Pocatello facility.

Your comments will be most effective if you follow the suggestions below:

- Explain your views as clearly as possible and why you feel that way.
- **Tell us which parts you support, as well as those you disagree with.**
  - Provide specific examples to illustrate your concerns.
  - Offer specific alternatives.
  - Refer your comments to specific sections of the notice, such as the units or page numbers.
  - Make sure to submit your comments by the deadline in this notice.
  - Be sure to include the name, date, and docket number with your comments.

## VII. What Happens After We Receive Your Comments?

After reviewing comments received, we will issue a final notice of determination to either approve or deny the FMC/Astaris request for a one-year CBC extension renewal of the LDR effective date. We plan to publish a final notice regarding the Agency's decision on this request for a one-year CBC extension renewal, prior to the May 26, 2001, expiration date of the current CBC extension for the subject waste streams. The extension renewal, if approved, would remain in effect until its expiration on May 26, 2002, unless the facility fails to make a good-faith effort to meet the schedule for completion, the Agency denies or revokes any required permit, conditions certified in the application change, the requirements of the RCRA Consent Decree are not met, or the facility violates any law or regulations implemented by the EPA.

## VIII. Administrative Requirements

As discussed in the March 8, 2000 (65 FR 12233) and May 31, 2000 (65 FR 34694) **Federal Register** notices, neither the requirements of Executive Order 13084 entitled Consultation and Coordination with Indian Tribal Governments nor Executive Order 13132, entitled "Federalism," apply to this action.

Today, the EPA is proposing to approve the FMC/Astaris request for a one-year renewal of the current CBC extension of the effective date of the RCRA land disposal restrictions, for a facility located on Tribal Lands. This action, if approval is finalized, will significantly or uniquely affect the communities of Indian tribal governments by permitting this facility to continue to treat, store, or dispose of five waste streams as currently managed in on-site surface impoundments until May 26, 2002. This action will not impose any direct compliance costs on the communities.

This notice also does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. Thus, the requirements of this Executive Order likewise do not apply to this action.

### A. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

On November 6, 2000, the President issued Executive Order 13175 (65 FR 67249) entitled, "Consultation and Coordination with Indian Tribal Governments." Executive Order 13175 took effect on January 6, 2001, and revokes Executive Order 13084 as of that date. Under section 5(b) of Executive Order 13175, the EPA may not issue a regulation that is not required by statute that has tribal implications, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or if the EPA consults with those governments. Under section 5(c) of Executive Order 13175, the EPA may not promulgate any regulation that has tribal implications and that preempts tribal law unless it consults with Tribes. If the EPA complies by consulting under sections 5(b) and 5(c) of Executive Order 13175 requires the EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of the EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, section 5(a) of Executive Order 13175 requires the EPA to develop an accountable process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications.

Today's decision will not impose substantial direct compliance costs on such communities or preempt tribal law. Accordingly, the requirements under sections 5(b) and 5(c) of Executive Order 13175 do not apply to this action.

However, this decision does have Tribal implications according to section 1(a) of Executive Order 13175, defined as substantial direct effects on (1) one or more federally-recognized Indian

Tribes; (2) the relationship between the federal government and Tribes; or (3) the distribution of power and responsibility between the federal government and Tribes. The decision permits the facility to continue to treat, store, or dispose of five waste streams as currently managed in on-site surface impoundments until May 26, 2002. These impoundments are located on the Fort Hall Indian Reservation.

Because this decision has Tribal implications, several principles and policies of section 2 and 3 of Executive Order 13175 are triggered. In particular, the decision must respect, honor, and adhere to the unique government-to-government relationship between the federal and the Tribes, the Tribes' status as domestic dependent nation, and the federal government's trust responsibility to federally-recognized Indian Tribes.

The EPA believes it has honored the government to government relationship through the consultation processes elaborated upon in section IV, in particular through numerous meetings and calls with Tribal government officials from May to December 2000 concerning the CBC extension, such as the visits by Elizabeth Cotsworth, and the meeting with Tim Fields. The Agency will continue to consult with the Tribe in this process, as well as all other efforts to address environmental contamination affecting the Fort Hall Indian Reservation.

In addition, the Agency has closely evaluated the CBC extension in light of its trust responsibility to Tribes. We acknowledge the Tribes' concerns regarding the continued placement of untreated hazardous wastes in on-site surface impoundments at the Pocatello facility. However, the EPA has closely evaluated FMC/Astaris' efforts under section 3004 (h)(3) of the statute and the rules in 40 CFR 268.5 which implement that provision, and find it is acting in good faith. While the EPA is bound by the controlling law if FMC/Astaris meets the rigorous requirements of these rules—i.e. upon such a finding the extension is granted mandatorily—the EPA also believes that this decision is best to ensure the most effective mitigation of the environmental contamination for the long term benefit of the Tribes, consistent with the federal government's trust responsibility.

### B. Executive Order 13132 (Federalism)

Executive Order 13132, entitled "Federalism" (64 FR 43255, August 10, 1999), requires the EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism

implications.” “Policies that have federalism implications” is defined in the Executive Order to include regulations that have “substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.”

Under Section 6 of Executive Order 13132, the EPA may not issue a regulation that has federalism implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, or the EPA consults with State and local officials early in the process of developing the proposed regulation. The EPA also may not issue a regulation that has federalism implications and that preempts State law, unless the Agency consults with State and local officials early in the process of developing the proposed regulation.

This notice does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. Thus, the requirements of section 6 of the Executive Order do not apply to this rule. Although section 6 of Executive Order 13132 does not apply to this rule, the EPA did consult with the State of Idaho in developing this notice, as discussed in section IV of this notice.

**Authority:** Sections 1006, 2002(a), 3001, and 3004 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 U.S.C. 6905, 6912(a), 6921, and 6924).

Dated: March 7, 2001.

**Michael Shapiro,**

*Acting Assistant Administrator, Office of Solid Waste and Emergency Response.*

[FR Doc. 01-6724 Filed 3-15-01; 8:45 am]

BILLING CODE 6560-50-P

## ENVIRONMENTAL PROTECTION AGENCY

[OPP-00439K; FRL-6776-5]

### Pesticide Program Dialogue Committee (PPDC); Inert Disclosure Stakeholder Workgroup; Notice of Public Meeting; Correction

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of public meeting.

**SUMMARY:** In the **Federal Register** of March 7, 2001 (66 FR 13733) (FRL-6768-6), EPA announced a conference call meeting of the Inert Disclosure Stakeholder Workgroup. On page 13733, second column, under the **DATES** caption, the date of the conference call meeting was inadvertently listed as March 10, 2001. The correct date is March 20, 2001. This notice announces the correct meeting date of the Inert Disclosure Stakeholder Workgroup.

**DATES:** The meeting will be held by conference call on Tuesday, March 20, 2001, from noon to 3 p.m. eastern standard time.

**ADDRESSES:** Members of the public may listen to the meeting discussions on site at: Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA 22202; conference room 1123. Seating is limited and will be available on a first come, first serve basis.

**FOR FURTHER INFORMATION CONTACT:** By mail: Cameo Smoot, Field and External Affairs Division (7506C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone: (703) 305-5454. Office location: 11th floor, Crystal Mall #2, 1921 Jefferson Davis Highway, Arlington, VA; e-mail: smoot.cameo@epa.gov.

### List of Subjects

Environmental protection, Pesticides, Inerts, PPDC.

Dated: March 9, 2001.

**Joseph J. Merenda, Jr.**

*Acting Director, Office of Pesticide Programs.*

[FR Doc. 01-6723 Filed 3-14-01 12:54 pm]

BILLING CODE 6560-50-S

## ENVIRONMENTAL PROTECTION AGENCY

[FRL-6955-6]

### Accidental Release Prevention Requirements; Risk Management Programs Under the Clean Air Act Section 112(r)(7); Distribution of Off-Site Consequence Analysis Information; Development of Read-Only Information Technology System and Qualified Researcher System

**AGENCY:** Environmental Protection Agency.

**ACTION:** Withdrawal of notice.

**SUMMARY:** The Environmental Protection Agency (EPA) is withdrawing a notice of January 17, 2001 (66 FR 4021) describing draft plans for providing

additional access to information about the potential off-site consequences of accidental chemical releases from industrial facilities. As part of the Administration's review of recent federal agency actions, we are evaluating the draft plans. When we have completed our review, we will make our plans for providing additional access available for public review.

**FOR FURTHER INFORMATION CONTACT:** Dorothy McManus, Program Analyst, (202) 564-8606, or Vanessa Rodriguez, Chemical Engineer, (202) 564-7913, Chemical Emergency Preparedness and Prevention Office, Environmental Protection Agency (5104), 1200 Pennsylvania Avenue, NW, Washington, DC 20460.

**SUPPLEMENTARY INFORMATION:** Off-site consequence analysis (OCA) information is submitted to EPA by facilities subject to the Chemical Accident Prevention Regulations at 40 CFR part 68. Under the Chemical Safety Information, Site Security and Fuels Regulatory Relief Act (CSISSFRA) of 1999, EPA and the Department of Justice (DOJ) last year promulgated a rule making OCA information available to the public in specified ways (see 40 CFR part 1400). CSISSFRA calls on EPA, in consultation with DOJ, to supplement the access provided by the rule. We are now in the process of reviewing the draft plans. When we have completed our review, we will make our plans for providing additional access available for public review.

Dated: March 13, 2001.

**Michael H. Shapiro,**

*Acting Assistant Administrator for Solid Waste and Emergency Response.*

[FR Doc. 01-6679 Filed 3-15-01; 8:45 am]

BILLING CODE 6560-50-U

## FEDERAL COMMUNICATIONS COMMISSION

[Report No. AUC-01-40-A (Auction No. 40); DA 01-593]

### Auction of Licenses for the Lower and Upper Paging Bands Scheduled for June 26, 2001

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** This document seeks comment on reserve prices or minimum opening bids and other auction procedural issues.

**DATES:** Comments are due on or before March 19, 2001, and reply comments are due on or before March 26, 2001.

**ADDRESSES:** An original and four copies of all pleadings must be filed with the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, Room TW-A325, 445 Twelfth Street SW., Washington DC 20554.

**FOR FURTHER INFORMATION CONTACT:** Erik Salovaara, Auctions Attorney, or Jeff Crooks, Auctions Analyst, at (202) 418-0660; or Lisa Stover, Project Manager, at (717) 338-2888.

**SUPPLEMENTARY INFORMATION:** This is a summary of a Public Notice released March 7, 2001. The complete text of the Public Notice is available for inspection and copying during normal business hours in the FCC Reference Center (CY-A257), 445 12th Street, SW.,

Washington, DC. It may also be purchased from the Commission's copy contractor, International Transcription Serviced, Inc. (ITS, Inc.) 1231 20th Street, NW., Washington, DC 20036, (202) 837-3800. It is also available on the Commission's web site at <http://www.fcc.gov>.

1. By the Public Notice, the Wireless Telecommunications Bureau ("Bureau") announces the auction of 14,000 licenses in the lower paging bands (35-36 MHz, 43-44 MHz, 152-159 MHz, and 454-460 MHz) ("Auction No. 40") to commence on June 26, 2001. In addition, Auction No. 40 will include 1,514 licenses in the upper paging bands (929-931 MHz), that remained unsold in the first paging auction

("Auction No. 26"), which closed on March 2, 2000.

2. In the *Paging Reconsideration Order*, 64 FR 33762 (June 24, 1999), the Commission concluded that the lower bands licenses should be awarded in each of the 175 geographic areas known as Economic Areas (EAs) and the upper band licenses awarded in each of the 51 geographic areas known as Major Economic Areas (MEAs). These EAs and MEAs both encompass the United States, Guam and Northern Mariana Islands, Puerto Rico and the United States Virgin Islands, and American Samoa.

3. The following tables contain the Block/Frequency Cross-Reference List for the paging bands:

### 35 MHZ LOWER BANDS UNPAIRED PAGING CHANNELS

Block (License suffix)	Frequency	Block (License suffix)	Frequency	Block (License suffix)	Frequency	Block (License suffix)	Frequency
CA .....	35.19-35.21	CE .....	35.29-35.31	CI .....	35.45-35.47	CM .....	35.57-35.59
CB .....	35.21-35.23	CF .....	35.33-35.35	CJ .....	35.49-35.51	CN .....	35.59-35.61
CC .....	35.23-35.25	CG .....	35.37-35.39	CK .....	35.53-35.55	CO .....	35.61-35.63
CD .....	35.25-35.27	CH .....	35.41-35.43	CL .....	35.55-35.57	CP .....	35.65-35.67

### 43 MHZ LOWER BANDS UNPAIRED PAGING CHANNELS

Block (License suffix)	Frequency	Block (License suffix)	Frequency	Block (License suffix)	Frequency	Block (License suffix)	Frequency
DA .....	43.19-43.21	DE .....	43.29-43.31	DI .....	43.45-43.47	DM .....	43.57-43.59
DB .....	43.21-43.23	DF .....	43.33-43.35	DJ .....	43.49-43.51	DN .....	43.59-43.61
DC .....	43.23-43.25	DG .....	43.37-43.39	DK .....	43.53-43.55	DO .....	43.61-43.63
DD .....	43.25-43.27	DH .....	43.41-43.43	DL .....	43.55-43.57	DP .....	43.65-43.67

### 152 MHZ LOWER BANDS UNPAIRED PAGING CHANNELS

Block (License suffix)	Frequency	Block (License suffix)	Frequency
EA .....	152.230-152.250	EC .....	158.090-158.110
EB .....	152.830-152.850	ED .....	158.690-158.710

### 152 MHZ LOWER BANDS PAIRED PAGING CHANNELS

Block (License suffix)	Frequency	Block (License suffix)	Frequency
FA .....	152.015-152.045/158.475-158.505	FJ .....	152.555-152.585/157.815-157.845
FB .....	152.045-152.075/158.505-158.535	FK .....	152.585-152.615/157.845-157.875
FC .....	152.075-152.105/158.535-158.565	FL .....	152.615-152.645/157.875-157.905
FD .....	152.105-152.135/158.565-158.595	FM .....	152.645-152.685/157.905-157.935
FE .....	152.135-152.165/158.595-158.625	FN .....	152.685-152.705/157.935-157.965
FF .....	152.165-152.195/158.625-158.655	FO .....	152.705-152.735/157.965-157.995
FG .....	152.195-152.225/158.655-158.685	FP .....	152.735-152.765/157.995-158.025
FH .....	152.495-152.525/157.755-157.785	FQ .....	152.765-152.795/158.025-158.055
FI .....	152.525-152.555/157.785-157.815	FR .....	152.795-152.825/158.055-158.085

### 454 MHZ LOWER BANDS PAIRED PAGING CHANNELS

Block (License suffix)	Frequency	Block (License suffix)	Frequency
GA .....	454.0125-454.0375/459.0125-459.0375	GN .....	454.3375-454.3625/459.3375-459.3625
GB .....	454.0375-454.0625/459.0375-459.0625	GO .....	454.3625-454.3875/459.3625-459.3875

## 454 MHz LOWER BANDS PAIRED PAGING CHANNELS—Continued

Block (License suffix)	Frequency	Block (License suffix)	Frequency
GC .....	454.0625–454.0875/459.0625–459.0875	GP .....	454.3875–454.4125/459.3875–459.4125
GD .....	454.0875–454.1125/459.0875–459.1125	GQ .....	454.4125–454.4375/459.4125–459.4375
GE .....	454.1125–454.1375/459.1125–459.1375	GR .....	454.4375–454.4625/459.4375–459.4625
GF .....	454.1375–454.1625/459.1375–459.1625	GS .....	454.4625–454.4875/459.4625–459.4875
GG .....	454.1625–454.1875/459.1625–459.1875	GT .....	454.4875–454.5125/459.4875–459.5125
GH .....	454.1875–454.2125/459.1875–459.2125	GU .....	454.5125–454.5375/459.5125–459.5375
GI .....	454.2125–454.2375/459.2125–459.2375	GV .....	454.5375–454.5625/459.5375–459.5625
GJ .....	454.2375–454.2625/459.2375–459.2625	GW .....	454.5625–454.5875/459.5625–459.5875
GK .....	454.2625–454.2875/459.2625–459.2875	GX .....	454.5875–454.6125/459.5875–459.6125
GL .....	454.2875–454.3125/459.2875–459.3125	GY .....	454.6125–454.6375/459.6125–459.6375
GM .....	454.3125–454.3375/459.3125–454.3375	GZ .....	454.6375–454.6625/459.6375–459.6625

## 929–931 MHz UPPER BANDS PAGING CHANNELS

Block (License suffix)	Frequency	Block (License suffix)	Frequency	Block (License suffix)	Frequency	Block (License suffix)	Frequency
A .....	929.0125	AA .....	931.0125	AN .....	931.3375	BA .....	931.6625
B .....	929.1125	AB .....	931.0375	AO .....	931.3625	BB .....	931.6875
C .....	929.2375	AC .....	931.0625	AP .....	931.3875	BC .....	931.7125
D .....	929.3125	AD .....	931.0875	AQ .....	931.4125	BD .....	931.7375
E .....	929.3875	AE .....	931.1125	AR .....	931.4375	BE .....	931.7625
F .....	929.4375	AF .....	931.1375	AS .....	931.4625	BF .....	931.7875
G .....	929.4625	AG .....	931.1625	AT .....	931.4875	BG .....	931.8125
H .....	929.6375	AH .....	931.1875	AU .....	931.5125	BH .....	931.8375
I .....	929.6875	AI .....	931.2125	AV .....	931.5375	BI .....	931.8625
J .....	929.7875	AJ .....	931.2375	AW .....	931.5625	BJ .....	931.9625
K .....	929.9125	AK .....	931.2625	AX .....	931.5875	BK .....	931.9875
L .....	929.9625	AL .....	931.2875	AY .....	931.6125		
		AM .....	931.3125	AZ .....	931.6375		

**Note:** For Auction No. 40, licenses are not available in every block listed in the above 929–931 MHz Upper Bands Paging Channels table in every market as the Commission sold 985 upper bands licenses in Auction No. 26. See Attachment A of the Public Notice to determine what licenses will be offered for sale in Auction No. 40.)

4. The Balanced Budget Act of 1997 requires the Commission to “ensure that, in the scheduling of any competitive bidding under this subsection, an adequate period is allowed \* \* \* before issuance of bidding rules, to permit notice and comment on proposed auction procedures. \* \* \*” Consistent with the provisions of the Balanced Budget Act and to ensure that potential bidders have adequate time to familiarize themselves with the specific rules that will govern the day-to-day conduct of an auction, the Commission directed the Bureau, under its existing delegated authority, to seek comment on a variety of auction-specific procedures prior to the start of each auction. We therefore seek comment on the following issues relating to Auction No. 40.

### I. Auction Structure

#### A. Simultaneous Multiple Round Auction Design

5. We propose to award the licenses in a single, simultaneous multiple-round auction. As described further, this methodology offers every license for bid at the same time with successive bidding rounds in which bidders may place bids. We seek comment on this proposal.

#### B. Upfront Payments and Initial Maximum Eligibility

6. The Bureau has delegated authority and discretion to determine an appropriate upfront payment for each license being auctioned, taking into account such factors as the population in each geographic license area, and the value of similar spectrum. As described further, the upfront payment is a refundable deposit made by each bidder to establish eligibility to bid on licenses. For Auction No. 40, we propose to make the upfront payments equal to the minimum opening bids, which are established based on similar factors as described in section II.B. The specific upfront payments for each license are set forth in Attachment A of the Public Notice. We seek comment on this proposal.

7. We further propose that the amount of the upfront payment submitted by a bidder will determine the number of bidding units on which a bidder may place bids—this limit is a bidder’s “maximum initial eligibility.” Each license is assigned a specific number of bidding units equal to the upfront payment listed in Attachment A of the Public Notice, on a bidding unit per dollar basis. This number does not change as prices rise during the auction. A bidder’s upfront payment is not attributed to specific licenses. Rather, a bidder may place bids on any combination of licenses as long as the total number of bidding units associated with those licenses does not exceed its maximum initial eligibility. Eligibility cannot be increased during the auction. Thus, in calculating its upfront payment amount, an applicant must determine the *maximum* number of bidding units it may wish to bid on (or hold high bids on) in any single round, and submit an upfront payment covering that number of bidding units. We seek comment on this proposal.

#### C. Activity Rules

8. In order to ensure that the auction closes within a reasonable period of time, an activity rule requires bidders to bid actively on a percentage of their

maximum bidding eligibility during each round of the auction rather than waiting until the end to participate. A bidder that does not satisfy the activity rule either will lose bidding eligibility in the next round or must use an activity rule waiver (if any remain).

9. We propose to divide the auction into three stages, each characterized by an increased activity requirement. The auction will start in Stage One. We propose that the auction will generally advance to the next stage (*i.e.*, from Stage One to Stage Two, and from Stage Two to Stage Three) when the auction activity level, as measured by the percentage of bidding units receiving new high bids, is approximately ten percent or below for three consecutive rounds of bidding in Stages One and Two. However, we further propose that the Bureau retain the discretion to change stages unilaterally by announcement during the auction. In exercising this discretion, the Bureau will consider a variety of measures of bidder activity including, but not limited to, the auction activity level, the percentages of licenses (as measured in bidding units) on which there are new bids, the number of new bids, and the percentage increase in revenue. We seek comment on these proposals.

#### We Propose the Following Activity Requirements

**Stage One:** In each round of the first stage of the auction, a bidder desiring to maintain its current eligibility is required to be active on licenses representing at least 80 percent of its current bidding eligibility. Failure to maintain the requisite activity level will result in a reduction in the bidder's bidding eligibility in the next round of bidding (unless an activity rule waiver is used). During Stage One, reduced eligibility for the next round will be calculated by multiplying the current round activity by five-fourths (5/4).

**Stage Two:** In each round of the second stage, a bidder desiring to maintain its current eligibility is required to be active on 90 percent of its current bidding eligibility. During Stage Two, reduced eligibility for the next round will be calculated by multiplying the current round activity by ten-ninths (10/9).

**Stage Three:** In each round of the third stage, a bidder desiring to maintain its current eligibility is required to be active on 98 percent of its current bidding eligibility. In this final stage, reduced eligibility for the next round will be calculated by multiplying the current round activity by fifty/forty-ninths (50/49). We seek comment on these proposals.

#### *D. Activity Rule Waivers and Reducing Eligibility*

10. Use of an activity rule waiver preserves the bidder's current bidding eligibility despite the bidder's activity in the current round being below the required minimum level. An activity rule waiver applies to an entire round of bidding and not to a particular license. Activity waivers are principally a mechanism for auction participants to avoid the loss of auction eligibility in the event that exigent circumstances prevent them from placing a bid in a particular round.

11. The FCC auction system assumes that bidders with insufficient activity would prefer to use an activity rule waiver (if available) rather than lose bidding eligibility. Therefore, the system will automatically apply a waiver (known as an "automatic waiver") at the end of any bidding period where a bidder's activity level is below the minimum required unless: (i) there are no activity rule waivers available; or (ii) the bidder overrides the automatic application of a waiver by reducing eligibility, thereby meeting the minimum requirements.

12. A bidder with insufficient activity may wish to reduce its bidding eligibility rather than use an activity rule waiver. If so, the bidder must affirmatively override the automatic waiver mechanism during the bidding period by using the reduce eligibility function in the bidding software. In this case, the bidder's eligibility is permanently reduced to bring the bidder into compliance with the activity rules as described. Once eligibility has been reduced, a bidder will not be permitted to regain its lost bidding eligibility.

13. A bidder may proactively use an activity rule waiver as a means to keep the auction open without placing a bid. If a bidder submits a proactive waiver (using the proactive waiver function in the bidding software) during a bidding period in which no bids are submitted, the auction will remain open and the bidder's eligibility will be preserved. An automatic waiver invoked in a round in which there are no new valid bids will not keep the auction open.

14. We propose that each bidder in Auction No. 40 be provided with five activity rule waivers that may be used at the bidder's discretion during the course of the auction. We seek comment on this proposal.

#### *E. Information Relating to Auction Delay, Suspension, or Cancellation*

15. For Auction No. 40, we propose that, by public notice or by announcement during the auction, the

Bureau may delay, suspend, or cancel the auction in the event of natural disaster, technical obstacle, evidence of an auction security breach, unlawful bidding activity, administrative or weather necessity, or for any other reason that affects the fair and competitive conduct of bidding. In such cases, the Bureau, in its sole discretion, may elect to resume the auction starting from the beginning of the current round, resume the auction starting from some previous round, or cancel the auction in its entirety. Network interruption may cause the Bureau to delay or suspend the auction. We emphasize that exercise of this authority is solely within the discretion of the Bureau, and its use is not intended to be a substitute for situations in which bidders may wish to apply their activity rule waivers. We seek comment on this proposal.

#### *F. Information Available to Bidders During the Course of the Auction*

16. In the *Paging Second Report and Order*, 62 FR 11616 (March 12, 1997), the Commission concluded that, due to the large number of licenses to be auctioned, limiting the disclosure of information to bidders during the course of paging auctions (*e.g.*, revealing only high bids and total number of bids on each license and withholding bidder identities) might help to speed the pace of the auctions. In the *Paging Reconsideration Order*, the Commission directed the Bureau to seek further comment on this issue. Based on its experience in Auction No. 26, in which the information was disclosed, the Bureau tentatively concludes that it is unnecessary to withhold bidder identities in Auction No. 40. We seek comment on this tentative conclusion. In addition, as in Auction No. 26, we propose to disclose all information relating to the bids during Auction No. 40 after each round of bidding closes, including all bids and withdrawals placed in each round, the identity of the bidder placing each bid or withdrawal, and the net and gross amounts of each bid or withdrawal. We seek comment on this proposal.

## **II. Bidding Procedures**

### *A. Round Structure*

17. The Commission will use its Automated Auction System to conduct the electronic simultaneous multiple round auction for Auction No. 40. In contrast to prior auctions, Auction No. 40 will be conducted over the Internet. However, the Bureau's wide area network will be available at the standard charge, as in prior auctions. Prospective bidders concerned about

their access to the Internet may want to establish a connection to the Bureau's wide area network as a backup. Full information regarding how to establish such a connection, and related charges, will be provided in the public notice announcing details of auction procedures. The initial bidding schedule will be announced in a public notice to be released at least one week before the start of the auction and will be included in the registration mailings. The simultaneous multiple round format will consist of sequential bidding rounds, each followed by the release of round results. Details regarding the location and format of round results will be included in the same public notice.

18. In past auctions, we have used the timing of bids to select a high bidder when multiple bidders submit identical high bids on a license in a given round. Given that bidders will access the Internet at differing speeds, we will not use this procedure in Auction No. 40. For Auction No. 40, we propose to use a National Institute of Standards and Technology ("NIST") tested pseudo-random generator to select a high bidder at random from among such bidders. As with prior auctions, remaining bidders will be able to submit higher bids in subsequent rounds.

19. The Bureau has discretion to change the bidding schedule in order to foster an auction pace that reasonably balances speed with the bidders' need to study round results and adjust their bidding strategies. The Bureau may increase or decrease the amount of time for the bidding rounds and review periods, or the number of rounds per day, depending upon the bidding activity level and other factors. We seek comment on this proposal.

#### *B. Reserve Price or Minimum Opening Bid*

20. The Balanced Budget Act calls upon the Commission to prescribe methods for establishing a reasonable reserve price or a minimum opening bid when FCC licenses are subject to auction, unless the Commission determines that a reserve price or minimum bid is not in the public interest. Consistent with this mandate, the Commission has directed the Bureau to seek comment on the use of a minimum opening bid and/or reserve price prior to the start of each auction.

21. Normally, a reserve price is an absolute minimum price below which an item will not be sold in a given auction. Reserve prices can be either published or unpublished. A minimum opening bid, on the other hand, is the minimum bid price set at the beginning of the auction below which no bids are

accepted. It generally is used to accelerate the competitive bidding process. Also, the auctioneer often has the discretion to lower the minimum opening bid amount later in the auction.

22. In light of the Balanced Budget Act's requirements, the Bureau proposes to establish minimum opening bids for Auction No. 40. The Bureau believes a minimum opening bid, which has been utilized in other auctions, is an effective auction tool.

23. Because multiple licenses in the same geographic area are being auctioned at the same time, under the same general conditions, the Commission believes that it is appropriate to use a common baseline to establish the minimum opening bid formula for all the licenses in the auction. The gross high bids from the prior 929–931 MHz Paging Auction (Auction No. 26) provide the most comprehensive paging baseline. Therefore, we propose to base the minimum opening bid for each license available in Auction No. 40 on the average of the corresponding gross high bids received in Auction No. 26, as follows:

- For a license being auctioned by MEA, the minimum opening bid will be 20% of the average gross high bid received in Auction No. 26 in the same MEA.

- For a license being auctioned by EA, the minimum opening bid will be the EA population multiplied by 20% of the gross average dollars per population received in Auction No. 26 for the corresponding MEA.

24. The Commission will set a "floor" for minimum opening bids at \$1000 for licenses in the upper paging bands (929–931 MHz) and \$500 for the licenses in the lower paging bands (35–36 MHz, 43–44 MHz, 152–159 MHz, and 454–460 MHz).

25. This formula is intended to apply to all geographic paging licenses in Auction No. 40, and takes into account the considerations discussed. The specific proposed minimum opening bid for each license is set forth in Attachment A of the Public Notice. We seek comment on this proposal.

26. If commenters believe that these minimum opening bids will result in substantial numbers of unsold licenses, or are not reasonable amounts, or should instead operate as reserve prices, they should explain why this is so, and comment on the desirability of an alternative approach. Commenters are advised to support their claims with valuation analyses and suggested reserve prices or minimum opening bid levels or formulas. In establishing the minimum opening bids, we particularly

seek comment on such factors as the amount of spectrum being auctioned, levels of incumbency, the availability of technology to provide service, the size of the geographic service areas, issues of interference with other spectrum bands and any other relevant factors that could reasonably have an impact on valuation of the paging bands. Alternatively, comment is sought on whether, consistent with the Balanced Budget Act, the public interest would be served by having no minimum opening bid or reserve price.

#### *C. Minimum Acceptable Bids and Bid Increments*

27. In each round, eligible bidders will be able to place acceptable bids on a given license in any of ten different amounts. The Automated Auction System interface will list as acceptable bids for each license a minimum acceptable bid and nine higher bids equal to the minimum acceptable bid plus one to nine times a defined increment. Until a bid has been placed on a license, the minimum acceptable bid for that license will be equal to its minimum opening bid. In the rounds after an acceptable bid is placed on a license, the minimum acceptable bid for that license will be equal to the standing high bid plus the defined increment.

28. For Auction No. 40, we propose to set the defined increment for each license based on a percentage of the standing high bid on the license or, if no bid has been placed on the license, a percentage of the minimum opening bid for the license. The defined increment will be calculated as follows.

Presuming, for example, that the percentage being used is 20 percent, we will multiply the standing high bid (or, if no standing high bid exists for the particular license, the minimum opening bid) by 1.2. (If the percentage being used is 30 percent, we would multiply by 1.3, etc.) We will round the result to the nearest \$100 for results below \$10,000 and to the nearest \$1,000 for amounts above \$10,000. The defined increment then will be determined by subtracting the standing high bid (or, if applicable, the minimum opening bid) from the rounded result. At the start of the auction, we propose to use 20 percent to calculate the defined increment. We also propose to retain discretion to change the percentage used to calculate the defined increment. Further, we propose to retain discretion to set a floor for the increment used to calculate the minimum acceptable bid at an absolute dollar amount.

29. In addition, we propose that in Stage Three the Bureau have discretion to use a smaller defined increment to

calculate acceptable bids higher than the minimum acceptable bid. The smaller defined increment would be calculated using a smaller percentage than the percentage used to calculate the defined increment that sets the minimum acceptable bid. For example, 20 percent might be used to calculate the defined increment for the minimum acceptable bid and 10 percent might be used to calculate the smaller defined increment used to calculate higher acceptable bids. In all other respects, the smaller defined increment would be calculated in exactly the manner described for the initial defined increment, including rounding.

30. For example, the Bureau could calculate Stage Three bids using 20 percent to calculate the defined increment for the minimum acceptable bid and 10 percent to calculate the smaller defined increment. Assuming that the standing high bid on a given license is \$50,000, in the next round of Stage Three,

**Defined Increment**

= Rounded (Standing High Bid \* 1.2)  
 - Standing High Bid  
 = Rounded (\$50,000 \* 1.2) - \$50,000  
 = Rounded (\$60,000) - \$50,000  
 = \$60,000 - \$50,000  
 = \$10,000

**Minimum Acceptable Bid**

= Standing High Bid + Defined Increment  
 = \$50,000 + \$10,000  
 = \$60,000

**Smaller Defined Increment**

= Rounded (Standing High Bid \* 1.1)  
 - Standing High Bid  
 = Rounded (\$50,000 \* 1.1) - \$50,000  
 = Rounded (\$55,000) - \$50,000  
 = \$55,000 - \$50,000  
 = \$5,000

**One Increment Higher Than Minimum Acceptable Bid**

= Minimum Acceptable Bid + (Smaller Defined Increment \* 1)  
 = \$60,000 + (\$5,000 \* 1)  
 = \$60,000 + \$5,000  
 = \$65,000

**Two Increments Higher Than Minimum Acceptable Bid**

= Minimum Acceptable Bid + (Smaller Defined Increment \* 2)  
 = \$60,000 + (\$5,000 \* 2)  
 = \$60,000 + \$10,000  
 = \$70,000

This procedure would enable bidders unwilling to raise the standing high bid by twice the defined increment to place bids higher than the minimum acceptable bid. Thus, in the example, a bidder wanting to bid above the minimum acceptable bid but unwilling to raise the standing high bid of \$50,000 by twice the defined increment of

\$10,000 (\$20,000 or 40 percent) would have the flexibility to bid \$65,000, raising the standing high bid by \$15,000. Bidders may want the flexibility to place such bids as licenses approach their final price. However, such precision earlier in the auction only would create unnecessary delay, and we therefore propose to limit this procedure to Stage Three of the auction.

31. In summary, we propose the Bureau have discretion at any time during the auction to change the initial 20 percent used to calculate the defined increment and/or to set an absolute dollar amount floor for the increment used to calculate the minimum acceptable bid. We also propose that the Bureau have additional discretion in Stage Three to calculate the minimum acceptable bid using one percentage and to calculate higher acceptable bids using another percentage. Advanced notice of the Bureau's decision to exercise its discretion with regard to acceptable bids in any manner would be announced via the Automated Auction System. We seek comment on these proposals.

**D. Information Regarding Bid Withdrawal and Bid Removal**

32. For Auction No. 40, we propose the following bid removal and bid withdrawal procedures. Before the close of a bidding period, a bidder has the option of removing any bid placed in that round. By using the remove bid function in the bidding software, a bidder may effectively "unsubmit" any bid placed within that round. A bidder removing a bid placed in the same round is not subject to a withdrawal payment.

33. Once a round closes, a bidder may no longer remove a bid. However, in any subsequent round, a high bidder may withdraw its standing high bids from previous rounds using the withdraw bid function in the bidding software. A high bidder that withdraws its standing high bid from a previous round is subject to the bid withdrawal payment provisions of the Commission rules. We seek comment on these bid removal and bid withdrawal procedures.

34. In the *Part 1 Third Report and Order*, 63 FR 770 (January 7, 1998), the Commission explained that allowing bid withdrawals facilitates efficient aggregation of licenses and the pursuit of efficient backup strategies as information becomes available during the course of an auction. The Commission noted, however, that, in some instances, bidders may seek to withdraw bids for improper reasons. The Bureau, therefore, has discretion, in managing the auction, to limit the number of withdrawals to prevent any

bidding abuses. The Commission stated that the Bureau should assertively exercise its discretion, consider limiting the number of rounds in which bidders may withdraw bids, and prevent bidders from bidding on a particular market if the Bureau finds that a bidder is abusing the Commission's bid withdrawal procedures.

35. Applying this reasoning, we propose to limit each bidder in Auction No. 40 to withdrawing standing high bids in no more than two rounds during the course of the auction. To permit a bidder to withdraw bids in more than two rounds would likely encourage insincere bidding or the use of withdrawals for anti-competitive purposes. The two rounds in which withdrawals are utilized will be at the bidder's discretion; withdrawals otherwise must be in accordance with the Commission's rules. There is no limit on the number of standing high bids that may be withdrawn in either of the rounds in which withdrawals are utilized. Withdrawals will remain subject to the bid withdrawal payment provisions specified in the Commission's rules. We seek comment on this proposal.

**E. Stopping Rule**

36. For Auction No. 40, the Bureau proposes to employ a simultaneous stopping rule approach. The Bureau has discretion to establish stopping rules before or during multiple round auctions in order to terminate the auction within a reasonable time. A simultaneous stopping rule means that all licenses remain open until the first round in which no new acceptable bids or proactive waivers are received. After the first such round, bidding closes simultaneously on all licenses. Thus, unless circumstances dictate otherwise, bidding would remain open on all licenses until bidding stops on every license.

37. However, the Bureau proposes to retain the discretion to exercise any of the following options during Auction No. 40:

(i) Utilize a modified version of the simultaneous stopping rule. The modified stopping rule would close the auction for all licenses after the first round in which no bidder submits a proactive waiver or a new bid on any license on which it is not the standing high bidder. Thus, absent any other bidding activity, a bidder placing a new bid on a license for which it is the standing high bidder would not keep the auction open under this modified stopping rule. The Bureau further seeks comment on whether this modified stopping rule should be used at any



time or only in stage three of the auction.

(ii) Keep the auction open even if no new acceptable bids or proactive waivers are submitted. In this event, the effect will be the same as if a bidder had submitted a proactive waiver. The activity rule, therefore, will apply as usual, and a bidder with insufficient activity will either lose bidding eligibility or use a remaining activity rule waiver.

(iii) Declare that the auction will end after a specified number of additional rounds ("special stopping rule"). If the Bureau invokes this special stopping rule, it will accept bids in the specified final round(s) only for licenses on which the high bid increased in at least one of the preceding specified number of rounds.

38. The Bureau proposes to exercise these options only in certain circumstances, such as, for example, where the auction is proceeding very slowly, there is minimal overall bidding activity, or it appears likely that the auction will not close within a reasonable period of time. Before exercising these options, the Bureau is likely to attempt to increase the pace of the auction by, for example, increasing the number of bidding rounds per day, and/or increasing the amount of the minimum bid increments for the limited number of licenses where there is still a high level of bidding activity. We seek comment on these proposals.

### III. Conclusion

39. Comments are due on or before March 19, 2001, and reply comments are due on or before March 26, 2001. An original and four copies of all pleadings must be filed with the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, Room TW-A325, 445 Twelfth Street SW., Washington DC 20554, in accordance with § 1.51(c) of the Commission's rules. In addition, one copy of each pleading must be delivered to each of the following locations: (i) The Commission's duplicating contractor, International Transcription Service, Inc. (ITS), 1231 20th Street NW., Washington DC 20036; (ii) Office of Media Relations, Public Reference Center, Room CY-A257, 445 Twelfth Street SW., Washington DC 20554; (iii) Rana Shuler, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Room 4-A628, 445 Twelfth Street SW., Washington DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Public

Reference Room, Room CY-A257, 445 12th Street SW., Washington DC 20554.

40. This proceeding is a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in § 1.1206(b) of the Commission's rules.

Federal Communications Commission.

**Margaret Wiener,**

*Chief, Auctions and Industry Analysis Division.*

[FR Doc. 01-6625 Filed 3-15-01; 8:45 am]

**BILLING CODE 6712-01-U**

## FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2471]

### Petitions for Reconsideration and Clarification of Action in Rulemaking Proceedings

March 9, 2001.

Petitions for Reconsideration and Clarification have been filed in the Commission's rulemaking proceedings listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of these documents are available for viewing and copying in Room CY-A257, 445 12th Street, SW., Washington, DC, or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857-3800. Oppositions to these petitions must be filed by April 2, 2001. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions have expired.

*Subject:* Federal-State Joint Board on Universal Service (CC Docket No. 96-45).

*Number of Petitions Filed:* 1.

*Subject:* Federal-State Joint Board on Universal Service (CC Docket No. 96-45).

Changes to the Board of Directors of the National Exchange Carrier Association, Inc. (CC Docket No. 97-21).

*Number of Petitions Filed:* 3.

*Subject:* Federal-State Joint Board on Universal Service (CC Docket No. 96-45). Access Charge Reform (CC Docket No. 96-262).

*Number of Petitions Filed:* 2.

*Subject:* Federal-State Joint Board on Universal Service: Recommendations for Phasing Down Interim Hold-Harmless Provision (CC Docket No. 96-45).

*Number of Petitions Filed:* 1.

*Subject:* Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations, Rincon, Puerto Rico (MM Docket No. 00-123, RM-9903).

*Number of Petitions Filed:* 1.

*Subject:* 1988 Biennial Regulatory Review—Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules (MM Docket No. 98-93).

*Number of Petitions Filed:* 3.

Federal Communications Commission.

**Magalie Roman Salas,**

*Secretary.*

[FR Doc. 01-6552 Filed 3-15-01; 8:45 am]

**BILLING CODE 6712-01-M**

## FEDERAL DEPOSIT INSURANCE CORPORATION

### Sunshine Act Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 10:01 a.m. on Tuesday, March 13, 2001, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the Corporation's personnel, corporate, supervisory and resolution activities.

In calling the meeting, the Board determined, on motion of Director Ellen S. Seidman (Director, Office of Thrift Supervision), seconded by Director John M. Reich, concurred in by Ms. Julie L. Williams, acting in the place and stead of Director John D. Hawke, Jr. (Comptroller of the Currency), and Chairman Donna Tanoue, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no notice earlier than March 8, 2001, of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the "Government in the Sunshine Act" (5 U.S.C. 552b(c)(2), (c)(4), (c)(6), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550 17th Street, NW., Washington, DC.

Dated: March 13, 2001.

Federal Deposit Insurance Corporation.  
**James D. LaPierre,**  
*Deputy Executive Secretary.*  
 [FR Doc. 01-6722 Filed 3-14-01; 1:31 pm]  
**BILLING CODE 6714-01-M**

## FEDERAL EMERGENCY MANAGEMENT AGENCY

### Agency Information Collection Activities: Proposed Collection; Comment Request

**ACTION:** Notice and request for comments.

**SUMMARY:** The Federal Emergency Management Agency, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed information

collection. In accordance with the Paperwork Reduction Act of 1995 (U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning a voluntary customer satisfaction survey of individuals, Federal, State, and Local officials who receive products and services from the Chemical Stockpile Emergency Preparedness Program (CSEPP).

**SUPPLEMENTARY INFORMATION:** In order to carry out the principle of performance-based management mandated by the Government Performance and Results Act of 1993 (GPRA), CSEPP will measure and benchmark five national performance indicators as stated in the program's strategic plan. Data collected from this survey will be used to set performance goals and establish a quantitative baseline to monitor program effectiveness and customer satisfaction.

### Collection of Information

**Title:** CSEPP Program Evaluation and Customer Satisfaction Baseline Survey.

**Type of Information Collection:** New Collection.

**Abstract:** Consistent with a performance-based management approach required by GPRA, CSEPP will collect data from federal, state, and local governments to measure program effectiveness and establish a quantitative baseline for customer satisfaction with existing products and services. Findings from the data will be used to set performance goals and customer service standards, while providing benchmarks for program monitoring and evaluation.

**Affected Public:** Federal, State, and Local Governments.

**Estimated Total Annual Burden Hours:** 420 Hours.

	Number of respondents* (A)	Frequency of response (B)	Hours per response (C)	Annual burden hours (A x B x C)
Surveys, pre-survey and pilot testing:				
FY 2001 .....	185	1	.50	** 140
FY 2002 .....	185	1	.50	** 140
FY 2003 .....	185	1	.50	** 140
Total .....	555		.50	420

\* External respondents only. \*\*Includes 47 hours of pre survey activities.

**Estimated Cost:** \$26,860.00 (\$25,900.00, Written surveys to include postage, printing, supplies, personnel, contractor support; \$960.00, Phone follow-ups to include phone charges, training, and personnel; \$0.00. Computer surveys to include software).

**Comments:** Written comments are solicited to (a) evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. Comments should be received within 60 days of the date of this notice.

**ADDRESSES:** Interested persons should submit written comments to Muriel

Anderson, Chief, Records Management Branch, Federal Emergency Management Agency, 500 C Street, SW, Room 316, Washington, DC 20472.

**FOR FURTHER INFORMATION CONTACT:** Sylvia U. Correa, Surveys Manager, Federal Emergency Management Agency, (202) 646-4247 or email [sylvia.correa@fema.gov](mailto:sylvia.correa@fema.gov). For copies of the proposed collection of information, contact Muriel Anderson at (202) 646-2625 or by facsimile number (202) 646-3524 or by email [muriel.anderson@fema.gov](mailto:muriel.anderson@fema.gov).

Dated: March 9, 2001.

**Reginald Trujillo,**  
*Director, Program Services Division,  
 Operations Support Directorate.*  
 [FR Doc. 01-6515 Filed 3-15-01; 8:45 am]  
**BILLING CODE 6718-01-P**

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part

225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at [www.ffiec.gov/nic/](http://www.ffiec.gov/nic/).

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 9, 2001.

**A. Federal Reserve Bank of Atlanta**  
(Cynthia C. Goodwin, Vice President)  
104 Marietta Street, N.W., Atlanta,  
Georgia 30303-2713:

1. *One American Corporation*,  
Vacherie, Louisiana; to acquire 100  
percent of the voting shares of  
Schwegmann Bank and Trust Company,  
Harvey, Louisiana.

Board of Governors of the Federal Reserve  
System, March 12, 2001.

**Robert deV. Frierson**

*Associate Secretary of the Board.*

[FR Doc. 01-6519 Filed 3-15-01; 8:45 am]

**BILLING CODE 6210-01-S**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

[Program Announcement 01031]

#### Notice of Availability of Funds; Resident Postdoctoral Research Associates Program in Microbiology

##### A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2001 funds for a cooperative agreement program for the Resident Postdoctoral Research Associates Program in Microbiology. This program addresses the "Healthy People 2010" focus area of Immunization and Infectious Diseases. For additional information on "Healthy People 2010" visit the internet site <http://www.health.gov/healthypeople>.

The purpose of the program is to assist in a Resident Postdoctoral Research Associates Program in Microbiology. The program will continue to emphasize microbiology related to infectious disease prevention and control, with a particular emphasis given to studies at the molecular level.

Areas of investigation may include viral and rickettsial infections, nosocomial infections, acquired immunodeficiency syndrome, vector-borne infectious diseases, respiratory and food-borne bacterial diseases, sexually transmitted diseases, parasitic diseases, and other diseases or conditions relevant to the disciplines of bacteriology, virology, parasitology, medical entomology, mycology, immunology, and pathology. The recipient shall provide support for postdoctoral scientists of unusual ability

and promise or proven achievement by giving them an opportunity to conduct applied and operational research on significant public health problems identified with these research interests. Associateships should be for two-year periods.

##### B. Eligible Applicants

Assistance will be provided only to public or private nonprofit scientific organizations. Eligible applicants must be national in scope, devoted to scientific pursuits in all areas of microbiology that relate to infectious diseases, including general, clinical, medical, environmental, animal, virology, molecular microbiology, immunology and medical technology. Applicants should have experience in administering postdoctoral training programs in medical microbiology and public health microbiology which are designed to assist associates conducting microbiologic research to solve medical and public health problems.

**Note:** Public Law 104-65 states that an organization, described in section 501(c)(4) of the Internal Revenue Code of 1986, that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, cooperative agreement, contract, loan, or any other form.

##### C. Availability of Funds

Approximately \$950,000 is available in FY 2001 to fund one award. It is expected that the award will begin on or about September 30, 2001, and will be made for a 12-month budget period within a project period of up to five years. The funding estimate may change.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

##### D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under 1. (Recipient Activities), and CDC will be responsible for the activities listed under 2. (CDC Activities).

###### 1. Recipient Activities

a. Develop and conduct a Resident Postdoctoral Research Associates Program in Microbiology to support development of new approaches, methodologies, and knowledge in infectious disease prevention and control.

b. Identify specific research opportunities from descriptions provided by CDC.

c. Establish program policies/procedures for application and selection (e.g., establish applicant eligibility criteria).

d. Develop announcements/advertisements and an application package describing the program, listing research opportunities, and providing application instructions. Widely distribute the announcements and application package with the objective of soliciting applications from qualified individuals throughout the United States. Contribute to the racial and gender diversity of the program by assuring a wide distribution of the materials among eligible women and minority microbiologists.

e. Develop a competitive associate application review and approval process. Based on the review process, select applicants to be awarded a two-year associateships.

f. Provide administrative support to associates during their tenure, including the payment of a stipend (consistent with PHS levels identified by CDC Policy), enrollment in a health insurance plan, and reimbursement of expenses for professional travel. Administer the program such that associates will not be employees of either recipient organization or CDC.

g. Establish associate publication/presentation policies which encourage the dissemination of associate research results.

h. Develop a plan for monitoring and evaluating the progress of associates and progress toward achieving goals of the program.

###### 2. CDC Activities

a. Provide assistance in developing and conducting the Resident Postdoctoral Research Associates Program in Microbiology.

b. Provide descriptions of microbiological research and areas of investigation that are appropriate for potential associates.

c. Provide a list of potential CDC scientific advisers for associates.

d. Assist in review of potential research proposals and provide comments and/or suggested changes in the scope or method of the research.

e. Review publications and presentations resulting from research investigations conducted under the program.

f. Assist in the development of a plan for monitoring progress of the program and achieving program goals.

##### C. Application Content

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop

the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan. The narrative should be no more than 15 double-spaced pages, printed on one side, with one-inch margins, and un-reduced font.

#### F. Submission and Deadline

##### *Application*

Submit the original and two copies of PHS 5161-1 (OMB Number 0937-0189). Forms are available at the following Internet address: [www.cdc.gov/...Forms](http://www.cdc.gov/...Forms), or in the application kit. On or before June 1, 2001, submit the application to the Grants Management Specialist identified in the "Where to Obtain Additional Information" section of this announcement.

Deadline: Applications shall be considered as meeting the deadline if they are either:

(a) Received on or before the deadline date; or

(b) Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing).

Late Applications: Applications which do not meet the criteria in (a) or (b) above are considered late applications, will not be considered, and will be returned to the applicant.

#### G. Evaluation Criteria

Each application will be evaluated individually against the following criteria by an independent review group appointed by CDC.

##### 1. Background (10 points):

The extent to which the applicant demonstrates a clear understanding of the background and objectives of this cooperative agreement program.

##### 2. Capacity (55 points total):

a. The extent to which the applicant demonstrates that the organization has a significant history of promoting the science of microbiology as it relates to infectious diseases. The extent to which the applicant demonstrates it has the science of microbiology by conducting regular national meetings and workshops devoted to current topics. (10 points)

b. The extent to which the applicant demonstrates experience in microbiology education and training. The extent to which the applicant demonstrates experience in conducting

postdoctoral programs similar to that proposed in this cooperative agreement announcement. (30 points)

c. The extent to which the applicant demonstrates it has adequate resources and facilities (e.g., administrative and financial management operations, office functions, etc.) to conduct the proposed program. (5 points)

d. The extent to which applicant documents (e.g., by curriculum vitae), that all key personnel have adequate relevant experience to successfully develop and conduct the proposed program. (10 points)

##### 3. Operational Plan (35 points total):

a. Extent to which applicant presents a detailed and time-phased operational plan for developing and conducting the program. The extent to which the plan clearly and appropriately addresses all Recipient Activities. The extent to which the applicant clearly identifies specific assigned responsibilities of all key professional personnel. The extent to which the applicant's plan appears feasible and likely to achieve program objectives. (15 points)

b. The extent to which the applicant clearly describes collaboration with CDC that utilizes CDC's unique expertise in public health infectious disease microbiology. (15 points)

c. The extent to which the applicant describes in detail a plan for evaluating progress of individual associates and for evaluating progress toward achieving overall program objectives. (5 points)

##### 4. Budget: (No Score)

The extent to which the proposed budget is reasonable, clearly justifiable, and consistent with the intended use of cooperative agreement funds.

#### H. Other Requirements

##### *Technical Reporting Requirements*

Provide CDC with original plus two copies of

1. progress reports (annual);

2. financial status report, no more than 90 days after the end of the budget period; and

3. final financial and performance reports, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the "Where to Obtain Additional Information" section of this announcement.

The following additional requirements are applicable to this program. For a complete description of each, see Attachment I in the application kit.

AR-10 Smoke-Free Workplace Requirements

AR-11 Healthy People 2010

AR-12 Lobbying Restrictions  
AR-15 Proof of Non-Profit Status  
AR-16 Security Clearance Requirement

#### I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under section 301 and 317(k) of the Public Health Service Act, (42 U.S.C. 241 and 247b(k)), as amended. The Catalog of Federal Domestic Assistance number is 93.283.

#### J. Where to Obtain Additional Information

This and other CDC announcements can be found on the CDC home page Internet address—<http://www.cdc.gov>. Click on "Funding" then "Grants and Cooperative Agreements."

To receive additional written information and to request an application kit, call 1-888-GRANTS4 (1-888 472-6874). You will be asked to leave your name and address and will be instructed to identify the Announcement number of interest. If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from: Merlin Williams, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, Room 3000, 2920 Brandywine Road, Atlanta, GA 30341-4146, Telephone number (770) 488-2765, Email address: [mqw6@cdc.gov](mailto:mqw6@cdc.gov).

For program technical assistance, contact: Janet Nicholson, Ph.D., National Center for Infectious Diseases, Centers for Disease Control and Prevention, 1600 Clifton Road, N.E., Atlanta, GA 30333, Telephone number: (404) 639-3945, Email address: [jkn1@cdc.gov](mailto:jkn1@cdc.gov).

Dated: March 12, 2001.

**John L. Williams,**

*Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).*

[FR Doc. 01-6550 Filed 3-15-01; 8:45 am]

**BILLING CODE 4163-18-P**

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### Food and Drug Administration

##### Advisory Committee; Renewals

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the

renewal of certain FDA advisory committees by the Commissioner of Food and Drugs (the Commissioner). The Commissioner has determined that it is in the public interest to renew the charters of the committees listed below for an additional 2 years beyond charter

expiration date. The new charters will be in effect until the dates of expiration listed below. This notice is issued under the Federal Advisory Committee Act of October 6, 1972 (Public Law 92-463 (5 U.S.C. app. 2)).

**DATES:** Authority for these committees will expire on the date indicated below unless the Commissioner formally determines that renewal is in the public interest.

Name of committee	Date of expiration
Anti-Infective Drugs Advisory Committee	October 7, 2002
Dermatologic and Ophthalmic Drugs Advisory Committee	October 7, 2002
Biological Response Modifiers Advisory Committee	October 28, 2002
Technical Electronic Product Radiation Safety Standards Committee	December 24, 2002

**FOR FURTHER INFORMATION CONTACT:**

Donna M. Combs, Committee Management Office (HFA-306), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-827-5496.

Dated: March 1, 2001.

**Linda A. Suydam,**

*Senior Associate Commissioner.*

[FR Doc. 01-6509 Filed 3-15-01; 8:45 am]

**BILLING CODE 4160-01-F**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Health Care Financing Administration**

[Document Identifier: HCFA-10028]

**Agency Information Collection Activities: Proposed Collection; Comment Request**

**AGENCY:** Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

*Type of Information Collection Request:* New collection; *Title of*

*Information Collection:* State Health Insurance Assistance Program (SHIP) Client Contact Form; *Form No.:* HCFA-10028 (OMB# 0938-NEW); *Use:* The State Health Insurance Assistance Program (SHIP) Client Contact Form will be completed by SHIP counselors at each counseling event to collect SHIP performance data, which will then be accumulated and analyzed to measure performance; *Frequency:* Semi-annually, Annually; *Affected Public:* State, local, or tribal gov.; *Number of Respondents:* 53; *Total Annual Responses:* 265; *Total Annual Hours:* 159. To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at <http://www.hcfa.gov/regs/prdact95.htm>, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to [Paperwork@hcfa.gov](mailto:Paperwork@hcfa.gov), or call the Reports Clearance Office on (410) 786-1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Julie Brown, HCFA 10028, Room N2-14-26, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

Dated: March 7, 2001.

**John P. Burke III,**

*Reports Clearance Officer, Security and Standards Group, Division of HCFA Enterprise Standards.*

[FR Doc. 01-6512 Filed 3-15-01; 8:45 am]

**BILLING CODE 4120-03-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Health Care Financing Administration**

**Privacy Act of 1974; Report of Modified or Altered System**

**AGENCY:** Department of Health and Human Services (HHS), Health Care Financing Administration (HCFA).

**ACTION:** Notice of modified or altered system of records.

**SUMMARY:** In accordance with the requirements of the Privacy Act of 1974, we are proposing to modify or alter a system of records, "Record of Individuals Authorized Entry to HCFA Buildings Via A Card Key Access System (RICKS), HHS/HCFA/OBA, System No. 09-70-3001." We are also proposing to delete previously published routine use number 1 pertaining to the Federal Protective Services, number 2 pertaining to management officials inquiring about an individual's arrival time, number 3 pertaining to contractors and other Federal agencies, number 6 pertaining to a contractor, and an unnumbered routine use which authorized disclosure to the Social Security Administration (SSA). Disclosures allowed by routine uses number 1, 3 pertaining to "Federal agencies," and to the SSA will be covered by proposed routine use number 2 to permit release of information to "another Federal agency." Routine use number 2 is being deleted because it is not clear what "management officials" are being identified and who should receive information referred to in routine use number 2. Disclosures to a "management official inquiring about an individual's arrival time" are covered by exception 1 of the Privacy Act and should not be treated as a routine use. Disclosures previously allowed by routine uses number 3 pertaining to contractors and number 6 will now be

covered by proposed routine use number 1. The security classification previously reported as "None" will be modified to reflect that the data in this system is considered to be "Level Three Privacy Act Sensitive." We are modifying the language in the remaining routine uses to provide clarity to HCFA's intention to disclose individual-specific information contained in this system. The routine uses will then be prioritized and reordered according to their proposed usage. We will also take the opportunity to update any sections of the system that were affected by the recent reorganization and to update language in the administrative sections to correspond with language used in other HCFA systems of records.

The primary purpose of the system of records is to issue and control United States Government card keys to all HCFA employees and other authorized individuals who require access into certain designated or secured areas. Information retrieved from this system of records will be used to: support regulatory and policy functions performed within the agency or by a contractor or consultant, assist other Federal agencies to conduct activities related to this system, support constituent requests made to a congressional representative, and support litigation involving the agency. We have provided background information about the modified system in the **SUPPLEMENTARY INFORMATION** section below. Although the Privacy Act requires only that HCFA provide an opportunity for interested persons to comment on the proposed routine uses, HCFA invites comments on all portions of this notice. See **EFFECTIVE DATES** section for comment period.

**EFFECTIVE DATES:** HCFA filed a modified or altered system report with the Chair of the House Committee on Government Reform and Oversight, the Chair of the Senate Committee on Governmental Affairs, and the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on March 12, 2001. To ensure that all parties have adequate time in which to comment, the modified or altered system of records, including routine uses, will become effective 40 days from the publication of the notice, or from the date it was submitted to OMB and the Congress, whichever is later, unless HCFA receives comments that require alterations to this notice.

**ADDRESSES:** The public should address comments to: Director, Division of Data Liaison and Distribution, HCFA, Room N2-04-27, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

Comments received will be available for review at this location, by appointment, during regular business hours, Monday through Friday from 9 a.m.-3 p.m., eastern time zone.

**FOR FURTHER INFORMATION CONTACT:**

Marcia Levin, Division of Facilities Management Services, Administrative Services Group, HCFA, SLL-11-18, 7500 Security Boulevard, Baltimore, Maryland 21244-1850. The telephone number is 410-786-7840.

**SUPPLEMENTARY INFORMATION:**

**I. Description of the Modified System of Records**

*Statutory and Regulatory Basis for System of Records*

In 1981, HCFA established a system of records under the authority of Title 41 Code of Federal Regulations (CFR) Chapter 101-20.302, "Conduct on Federal Property," Title 5 United States Code (U.S.C.) 552a(e)(10), and Office of Management and Budget Circular A-123, "Internal Control Systems." Notice of this system, "Record of Individuals Authorized Entry to HCFA Buildings via A Card Key Access System, HHS/HCFA/OBA, System No. 09-70-3001" was published in the **Federal Register** on January 15, 1981 (46 FR 3524), and modified at 61 FR 6645 (added unnumbered social security use). These regulations and directives established that federal workers and other authorized personnel may be issued United States Government identification cards.

**II. Collection and Maintenance of Data in the System**

*A. Scope of the Data Collected*

The system contains names of Federal employees, contractors and consultants, Government Services Administration (GSA) employees, and contract guards working in the central office complex in Baltimore, assigned card key number, and the building/secure area location. The system also contains the date and time of actual or attempted entry to secured areas.

*B. Agency Policies, Procedures, and Restrictions on the Routine Use*

The Privacy Act permits us to disclose information without an individual's consent if the information is to be used for a purpose which is compatible with the purpose(s) for which the information was collected. Any such disclosure of data is known as a "routine use." The government will only release RICKS information as provided for under "Section III. Entities Who May Receive Disclosures Under Routine Use."

We will only disclose the minimum personal data necessary to achieve the purpose of RICKS. HCFA has the following policies and procedures concerning disclosures of information which will be maintained in the system. In general, disclosure of information from the system of records will be approved only for the minimum information necessary to accomplish the purpose of the disclosure only after HCFA:

(a) Determines that the use or disclosure is consistent with the reason that the data is being collected, e.g., to issue and control United States Government card keys to all HCFA employees and other authorized individuals.

(b) Determines:

(1) That the purpose for which the disclosure is to be made can only be accomplished if the record is provided in individually identifiable form;

(2) That the purpose for which the disclosure is to be made is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring; and

(3) That there is a strong probability that the proposed use of the data would in fact accomplish the stated purpose(s).

(c) Requires the information recipient to:

(1) Establish administrative, technical, and physical safeguards to prevent unauthorized use of disclosure of the record;

(2) Remove or destroy at the earliest time all individually-identifiable information; and

(3) Agree to not use or disclose the information for any purpose other than the stated purpose under which the information was disclosed.

(d) Determines that the data are valid and reliable.

**III. Proposed Routine Use Disclosures of Data in the System**

*Entities Who May Receive Disclosures Under Routine Use*

These routine uses specify circumstances, in addition to those provided by statute in the Privacy Act of 1974, under which HCFA may release information from the RICKS without the consent of the individual to whom such information pertains. Each proposed disclosure of information under these routine uses will be evaluated to ensure that the disclosure is legally permissible, including but not limited to ensuring that the purpose of the disclosure is compatible with the purpose for which the information was collected. We are proposing to establish

or modify the following routine use disclosures of information maintained in the system:

1. To agency contractors, or consultants who have been engaged by the agency to assist in accomplishment of a HCFA function relating to the purposes for this system of records and who need to have access to the records in order to assist HCFA.

We contemplate disclosing information under this routine use only in situations in which HCFA may enter into a contractual or similar agreement with a third party to assist in accomplishing a HCFA function relating to purposes for this system of records.

HCFA occasionally contracts out certain of its functions when doing so would contribute to effective and efficient operations. HCFA must be able to give a contractor or consultant whatever information is necessary for the contractor or consultant to fulfill its duties. In these situations, safeguards are provided in the contract prohibiting the contractor or consultant from using or disclosing the information for any purpose other than that described in the contract and requires the contractor or consultant to return or destroy all information at the completion of the contract.

2. To another federal agency to conduct activities related to this system of records and who need to have access to the records in order to perform the activity.

We contemplate disclosing information under this routine use only in situations in which HCFA may enter into a contractual or similar agreement with another Federal agency to assist in accomplishing HCFA functions relating to purposes for this system of records.

The Federal Protection Service may require RICKS information if investigating a crime and/or in the administration of its assigned responsibilities.

3. To a Member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the written request of the constituent about whom the record is maintained.

Federal employees and other individuals sometimes request the help of a Member of Congress in resolving an issue relating to a matter before HCFA. The Member of Congress then writes HCFA, and HCFA must be able to give sufficient information to be responsive to the inquiry.

4. To the Department of Justice (DOJ), court or adjudicatory body when:

(a) The agency or any component thereof, or

(b) Any employee of the agency in his or her official capacity, or

(c) any employee of the agency in his or her individual capacity where the DOJ has agreed to represent the employee, or

(d) The United States Government, is a party to litigation or has an interest in such litigation, and by careful review, HCFA determines that the records are both relevant and necessary to the litigation and that the use of such records by the DOJ, court or adjudicatory body is compatible with the purpose for which the agency collected the records.

Whenever HCFA is involved in litigation, or occasionally when another party is involved in litigation and HCFA's policies or operations could be affected by the outcome of the litigation, HCFA would be able to disclose information to the DOJ, court or adjudicatory body involved.

#### IV. Safeguards

The RICKS system will conform with applicable law and policy governing the privacy and security of Federal automated information systems. These include but are not limited to: the Privacy Act of 1974, Computer Security Act of 1987, the Paperwork Reduction Act (PRA) of 1995, the Clinger-Cohen Act of 1996, and OMB Circular A-130, Appendix III, "Security of Federal Automated Information Resources." HCFA has prepared a comprehensive systems security plan as required by the OMB Circular A-130, Appendix III. This plan conforms fully to guidance issued by the National Institute for Standards and Technology (NIST) in NIST Special Publication 800-18, "Guide for Developing Security Plans for Information Technology Systems." Paragraphs A-C of this section highlight some of the specific methods that HCFA is using to ensure the security of this system and the information within it.

##### A. Authorized Users

Personnel having access to the system have been trained in Privacy Act and systems security requirements. Employees and contractors who maintain records in the system are instructed not to release any data until the intended recipient agrees to implement appropriate administrative, technical, procedural, and physical safeguards sufficient to protect the confidentiality of the data and to prevent unauthorized access to the data. In addition, HCFA is monitoring the authorized users to ensure against excessive or unauthorized use. Records are used in a designated work area or work station and the system location is

attended at all times during working hours.

To ensure security of the data, the proper level of class user is assigned for each individual user as determined at the agency level. This prevents unauthorized users from accessing and modifying critical data. The system database configuration includes five classes of database users:

- *Database Administrator* class owns the database objects, e.g., tables, triggers, indexes, stored procedures, packages, and has database administration privileges to these objects; and
- *Submitter* class has read and write access to database objects, but no database administration privileges.

##### B. Physical Safeguards

All server sites have implemented the following minimum requirements to assist in reducing the exposure of computer equipment and thus achieve an optimum level of protection and security for the RICKS system:

Access to all servers is controlled, with access limited to only those support personnel with a demonstrated need for access. Servers are to be kept in a locked room accessible only by specified management and systems support personnel. Each server requires a specific log-on process. All entrance doors are identified and marked. A log is kept of all personnel who were issued a security card, key and/or combination which grants access to the room housing the server, and all visitors are escorted while in this room. All servers are housed in an area where appropriate environmental security controls are implemented, which include measures implemented to mitigate damage to Automated Information System resources caused by fire, electricity, water and inadequate climate controls.

Protection applied to the workstations, servers and databases include:

- *User Log-ons*—Authentication is performed by the Primary Domain Controller/Backup Domain Controller of the log-on domain.
- *Workstation Names*—Workstation naming conventions may be defined and implemented at the agency level.
- *Hours of Operation*—May be restricted by Windows NT. When activated, all applicable processes will automatically shut down at a specific time and not be permitted to resume until the predetermined time. The appropriate hours of operation are determined and implemented at the agency level.
- *Inactivity Log-out*—Access to the NT workstation is automatically logged out after a specified period of inactivity.



- *Warnings*—Legal notices and security warnings display on all servers and workstations.

- *Remote Access Services (RAS)*—Windows NT RAS security handles resource access control. Access to NT resources is controlled for remote users in the same manner as local users, by utilizing Windows NT file and sharing permissions. Dial-in access can be granted or restricted on a user-by-user basis through the Windows NT RAS administration tool.

There are several levels of security found in the RICKS system. Windows NT provides much of the overall system security. The Windows NT security model is designed to meet the C2-level criteria as defined by the U.S. Department of Defense's Trusted Computer System Evaluation Criteria document (DoD 5200.28-STD, December 1985). Netscape Enterprise Server is the security mechanism for all transmission connections to the system. As a result, Netscape controls all information access requests. Anti-virus software is applied at both the workstation and NT server levels.

Access to different areas on the Windows NT server is maintained through the use of file, directory and share level permissions. These different levels of access control provide security that is managed at the user and group level within the NT domain. The file and directory level access controls rely on the presence of an NT File System hard drive partition. This provides the most robust security and is tied directly to the file system. Windows NT security is applied at both the workstation and NT server levels.

### C. Procedural Safeguards

All automated systems must comply with Federal laws, guidance, and policies for information systems security as stated previously in this section. Each automated information system should ensure a level of security commensurate with the level of sensitivity of the data, risk, and magnitude of the harm that may result from the loss, misuse, disclosure, or modification of the information contained in the system.

### V. Effect of the Modified System of Records on Individual Rights

HCFA proposes to establish this system in accordance with the principles and requirements of the Privacy Act and will collect, use, and disseminate information only as prescribed therein. We will only disclose the minimum personal data necessary to achieve the purpose of RICKS. Disclosure of information from

the system of records will be approved only to the extent necessary to accomplish the purpose of the disclosure. HCFA has assigned a higher level of security clearance for the information maintained in this system in an effort to provide added security and protection of data in this system.

HCFA will take precautionary measures to minimize the risks of unauthorized access to the records and the potential harm to individual privacy or other personal or property rights. HCFA will collect only that information necessary to perform the system's functions. In addition, HCFA will make disclosure from the proposed system only with consent of the subject individual, or his/her legal representative, or in accordance with an applicable exception provision of the Privacy Act.

HCFA, therefore, does not anticipate an unfavorable effect on individual privacy as a result of the disclosure of information relating to individuals.

**Michael McMullan,**

*Acting Deputy Administrator, Health Care Financing Administration.*

### 09-70-3001

#### SYSTEM NAME:

Record of Individuals Authorized Entry to HCFA Buildings via a Card Key Access System (RICKS), HHS/HCFA/OICS.

#### SECURITY CLASSIFICATION:

Level Three Privacy Act Sensitive Data.

#### SYSTEM LOCATION:

HCFA, 7500 Security Boulevard, North Building, First Floor (magnetic media), and South Building, Lower Level (paper), Baltimore, Maryland 21244-1850.

#### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The identified individual includes Federal employees; contractors and consultants; and Government Services Administration employees and contract guards working in HCFA's central office complex at 7500 Security Boulevard, Baltimore, Maryland.

#### CATEGORIES OF RECORDS IN THE SYSTEM:

This system contains the name of the employees or the other authorized individual, assigned card key number, and building/secure area. The system also contains the date and time of actual or attempted entry to secured areas.

#### AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Authority for maintenance of this system is given under Title 41 Code of

Federal Regulations (CFR) Chapter 101-20.302, "Conduct on Federal Property," Title 5 United States Code (U.S.C.) 552a(e)(10), and Office of Management and Budget Circular A-123, "Internal Control Systems.

#### PURPOSE(S):

The primary purpose of the system of records is to issue and control United States Government card keys to all HCFA employees and other authorized individuals who require access into certain designated or secured areas. Information retrieved from this system of records will be used to: support regulatory and policy functions performed within the agency or by a contractor or consultant, assist other Federal agencies to conduct activities related to this system, support constituent requests made to a congressional representative, and support litigation involving the agency.

#### ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OR USERS AND THE PURPOSES OF SUCH USES:

The Privacy Act allows us to disclose information without an individual's consent if the information is to be used for a purpose which is compatible with the purpose(s) for which the information was collected. Any such compatible use of data is known as a "routine use." The proposed routine use in this system meets the compatibility requirement of the Privacy Act. We are proposing to establish the following routine use disclosures of information which will be maintained in the system:

1. To agency contractors, or consultants who have been engaged by the agency to assist in accomplishment of a HCFA function relating to the purposes for this system of records and who need to have access to the records in order to assist HCFA.

2. To another Federal agency engaged by the agency to assist in the performance of a service related to this system of records and who need to have access to the records in order to perform the activity.

3. To a Member of Congress or to a congressional staff member in response to an inquiry of the congressional office made at the written request of the constituent about whom the record is maintained.

4. To the Department of Justice (DOJ), court or adjudicatory body when:

- (a) The agency or any component thereof, or

- (b) Any employee of the agency in his or her official capacity, or

- (c) Any employee of the agency in his or her individual capacity where the DOJ has agreed to represent the employee, or



(d) The United States Government, is a party to litigation or has an interest in such litigation, and by careful review, HCFA determines that the records are both relevant and necessary to the litigation and that the use of such records by the DOJ, court or adjudicatory body is compatible with the purpose for which the agency collected the records.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

All records are stored on paper and magnetic disk.

**RETRIEVABILITY:**

Magnetic media records are retrieved by the name of the employees or other authorized individual and/or card key number. Paper records are retrieved alphabetically by name.

**SAFEGUARDS:**

HCFA has safeguards for authorized users and monitors such users to ensure against excessive or unauthorized use. Personnel having access to the system have been trained in the Privacy Act and systems security requirements. Employees who maintain records in the system are instructed not to release any data until the intended recipient agrees to implement appropriate administrative, technical, procedural, and physical safeguards sufficient to protect the confidentiality of the data and to prevent unauthorized access to the data.

In addition, HCFA has physical safeguards in place to reduce the exposure of computer equipment and thus achieve an optimum level of protection and security for the RICKS system. For computerized records, safeguards have been established in accordance with HHS standards and National Institute of Standards and Technology guidelines, *e.g.*, security codes will be used, limiting access to authorized personnel. System securities are established in accordance with HHS, Information Resource Management Circular #10, Automated Information Systems Security Program, HCFA Automated Information Systems Guide, Systems Securities Policies, and OMB Circular No. A-130 (revised), Appendix III.

**RETENTION AND DISPOSAL:**

Records are retained for up to 3 years following expiration of an individual's authority to enter secured areas. When an individual is no longer authorized, information is deleted from magnetic media immediately.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director, Division of Facilities Management Services, Administrative Services Group, Office of Internal Customer Support, Health Care Financing Administration, 7500 Security Boulevard, SLL-11-08, Baltimore, Maryland 21244-1850.

**NOTIFICATION PROCEDURE:**

For purpose of access, the subject individual should write to the system manager who will require the system name, assigned card key number, and building/secure area, and for verification purposes, the subject individual's name (woman's maiden name, if applicable), and social security number (SSN). Furnishing the SSN is voluntary, but it may make searching for a record easier and prevent delay.

**RECORD ACCESS PROCEDURE:**

For purpose of access, use the same procedures outlined in Notification Procedures above. Requestors should also reasonably specify the record contents being sought. (These procedures are in accordance with Department regulation 45 CFR 5b.5(a)(2).)

**CONTESTING RECORD PROCEDURES:**

The subject individual should contact the system manager named above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department regulation 45 CFR 5b.7.)

**RECORD SOURCE CATEGORIES:**

HCFA obtains information in this system from the individuals who submit a request for access to a secure building or area.

**SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:**

None.

[FR Doc. 01-6539 Filed 3-15-01; 8:45 am]

BILLING CODE 4120-03-U

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Health Resources and Services Administration**

**National Vaccine Injury Compensation Program; List of Petitions Received**

**AGENCY:** Health Resources and Services Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Health Resources and Services Administration (HRSA) is

publishing this notice of petitions received under the National Vaccine Injury Compensation Program ("the Program"), as required by section 2112(b)(2) of the Public Health Service (PHS) Act, as amended. While the Secretary of Health and Human Services is named as the respondent in all proceedings brought by the filing of petitions for compensation under the Program, the United States Court of Federal Claims is charged by statute with responsibility for considering and acting upon the petitions.

**FOR FURTHER INFORMATION CONTACT:** For information about requirements for filing petitions, and the Program in general, contact the Clerk, United States Court of Federal Claims, 717 Madison Place, NW., Washington, DC 20005, (202) 219-9657. For information on HRSA's role in the Program, contact the Director, National Vaccine Injury Compensation Program, 5600 Fishers Lane, Room 8A-46, Rockville, MD 20857; (301) 443-6593.

**SUPPLEMENTARY INFORMATION:** The Program provides a system of no-fault compensation for certain individuals who have been injured by specified childhood vaccines. Subtitle 2 of title XXI of the PHS Act, 42 U.S.C. 300aa-10 *et seq.*, provides that those seeking compensation are to file a petition with the U.S. Court of Federal Claims and to serve a copy of the petition on the Secretary of Health and Human Services, who is named as the respondent in each proceeding. The Secretary has delegated his responsibility under the Program to HRSA. The Court is directed by statute to appoint special masters who take evidence, conduct hearings as appropriate, and make initial decisions as to eligibility for, and amount of, compensation.

A petition may be filed with respect to injuries, disabilities, illnesses, conditions, and deaths resulting from vaccines described in the Vaccine Injury Table (the Table) set forth at section 2114 of the PHS Act or as set forth at 42 CFR 100.3, as applicable. This Table lists for each covered childhood vaccine the conditions which will lead to compensation and, for each condition, the time period for occurrence of the first symptom or manifestation of onset or of significant aggravation after vaccine administration. Compensation may also be awarded for conditions not listed in the Table and for conditions that are manifested after the time periods specified in the Table, but only if the petitioner shows that the condition was caused by one of the listed vaccines.

Section 2112(b)(2) of the PHS Act, 42 U.S.C. 300aa-12(b)(2), requires that the Secretary publish in the **Federal Register** a notice of each petition filed. Set forth below is a list of petitions received by HRSA on October 2, 2000, through December 27, 2000.

Section 2112(b)(2) also provides that the special master "shall afford all interested persons an opportunity to submit relevant, written information" relating to the following:

1. The existence of evidence "that there is not a preponderance of the evidence that the illness, disability, injury, condition, or death described in the petition is due to factors unrelated to the administration of the vaccine described in the petition," and

2. Any allegation in a petition that the petitioner either:

(a) "Sustained, or had significantly aggravated, any illness, disability, injury, or condition not set forth in the Table but which was caused by" one of the vaccines referred to in the Table, or

(b) "Sustained, or had significantly aggravated, any illness, disability, injury, or condition set forth in the Table the first symptom or manifestation of the onset or significant aggravation of which did not occur within the time period set forth in the Table but which was caused by a vaccine" referred to in the Table.

This notice will also serve as the special master's invitation to all interested persons to submit written information relevant to the issues described above in the case of the petitions listed below. Any person choosing to do so should file an original and three (3) copies of the information with the Clerk of the U.S. Court of Federal Claims at the address listed above (under the heading **FOR FURTHER INFORMATION CONTACT**), with a copy to HRSA addressed to Associate Administrator for Health Professions, 5600 Fishers Lane, Room 8-05, Rockville, MD 20857. The Court's caption (Petitioner's Name v. Secretary of Health and Human Services) and the docket number assigned to the petition should be used as the caption for the written submission.

Chapter 35 of title 44, United States Code, related to paperwork reduction, does not apply to information required for purposes of carrying out the Program.

#### List of Petitions

1. Antoinette Dailey, Glen Cove, New York, Court of Federal Claims Number 00-0586V
2. Matthew Bernstein, Red Bank, New Jersey, Court of Federal Claims Number 00-0587V
3. Michele and Dwayne Cozart on behalf of Colby Allen Cozart, Deceased, Vienna, Virginia, Court of Federal Claims Number 00-0590V
4. Lisa and Seth Sykes on behalf of Wesley Alexander Sykes, Vienna, Virginia, Court of Federal Claims Number 00-0591V
5. John Bernhardt on behalf of Nicholas Bernhardt, Bel Air, Maryland, Court of Federal Claims Number 00-0592V
6. Wendy Thomas, Vienna, Virginia, Court of Federal Claims Number 00-0593V
7. Kimberly Ann Hearon on behalf of Damel Jamar Hearon, Clarksdale, Mississippi, Court of Federal Claims Number 00-0601V
8. Gary Griffin, Auburn, California, Court of Federal Claims Number 00-0607V
9. Joanne Afraid of Hawk and Jody Gaking on behalf of Jaede Gaking, Fort Tolten, North Dakota, Court of Federal Claims Number 00-0615V
10. Christina B. Bogert on behalf of Douglas K. Bogert, San Jose, California, Court of Federal Claims Number 00-0623V
11. H. Dale Dunnam, Baton Rouge, Louisiana, Court of Federal Claims Number 00-0627V
12. Pamela Baxter, Boston, Massachusetts, Court of Federal Claims Number 00-0630V
13. Sharron Cook, Jackson, Tennessee, Court of Federal Claims Number 00-0631V
14. Melissa Hawkins on behalf of Shannon Hawkins, Boston, Massachusetts, Court of Federal Claims Number 00-0646V
15. Amanda and Felipe Esparza on behalf of Martin Eduardo Esparza, El Paso, Texas, Court of Federal Claims Number 00-0651V
16. George D. McDonald, Springfield, Massachusetts, Court of Federal Claims Number 00-0654V
17. Leslie Yost-Shomer on behalf of Cole Shomer, Vienna, Virginia, Court of Federal Claims Number 00-0657V
18. Blackbird Willow, Vienna, Virginia, Court of Federal Claims Number 00-0658V
19. Victoria Cummings on behalf of Terry Lee Cummings, III, Vienna, Virginia, Court of Federal Claims Number 00-0659V
20. Ashley McDonald and Cody Wisenhunt on behalf of Keylee Jordan Wisenhunt, Deceased, Denton, Texas, Court of Federal Claims Number 00-0661V
21. Sherena Valico on behalf of Ahzja Dove, Deceased, Hartford, Connecticut, Court of Federal Claims Number 00-0662V
22. Lisa Frechette, Worcester, Massachusetts, Court of Federal Claims Number 00-0664V
23. Jann Leonard on behalf of Jessica Leonard, Troy, New York, Court of Federal Claims Number 00-0667V
24. Daphne Reis on behalf of Andreas Reis, Jersey City, New Jersey, Court of Federal Claims Number 00-0672V
25. Dejoire and Erick Benson on behalf of Deja Benson, Riverside, California, Court of Federal Claims Number 00-0673V
26. Melissa Tiorano-Willard on behalf of Amanda Willard, Boston, Massachusetts, Court of Federal Claims Number 00-0698V
27. Laurie and David Taylor on behalf of Kara Maddisen Taylor, Deceased, Orlando, Florida, Court of Federal Claims Number 00-0700V
28. Elizabeth DeLuca on behalf of Caroline DeLuca, Houston, Texas, Court of Federal Claims Number 00-0702V
29. Michelle and Mark Woodcock on behalf of Thomas Woodcock, Deceased, Vienna, Virginia, Court of Federal Claims Number 00-0704V
30. Andrea Sapp on behalf of Robert Sapp, Jr., Plant City, Florida, Court of Federal Claims Number 00-0711V
31. Sue Anna Harwood, Corpus Christi, Texas, Court of Federal Claims Number 00-0712V
32. Cynthia Halbrooks on behalf of Sonya Halbrooks, Centerville, Tennessee, Court of Federal Claims Number 00-0713V
33. Melodye and Mark Bernier on behalf of Kathleen Bernier, Deland, Florida, Court of Federal Claims Number 00-0719V
34. John J. Czapiewski, Sussex, Wisconsin, Court of Federal Claims Number 00-0720V
35. Patricia Vargas on behalf of Tania Vargas, Deceased, Fairmont, Minnesota, Court of Federal Claims Number 00-0722V
36. Hoa and Phillip Tran on behalf of Jasmin Amanda Tran, Vallejo, California, Court of Federal Claims Number 00-0723V
37. Kelly Townsend on behalf of Elizabeth D. Precie, Phoenix, Oregon, Court of Federal Claims Number 00-0728V
38. Janelle Kelly on behalf of Christian Kelly, Deceased, Largo, Florida, Court of Federal Claims Number 00-0729V
39. Misty and Phillip Hiatt on behalf of Madison Hiatt, Pensacola, Florida, Court of Federal Claims Number 00-0732V
40. Sarah Morin, Boston, Massachusetts, Court of Federal Claims Number 00-0733V
41. Roxan and William Winner on behalf of William Darius Winner,

- Norman, Oklahoma, Court of Federal Claims Number 00-0736V
42. Aime Melendez on behalf of Gisselle Melendez, Bakersfield, California, Court of Federal Claims Number 00-0738V
43. Jeannine and Charles Wills on behalf of John Gabriel Wills, Baltimore, Maryland, Court of Federal Claims Number 00-0743V
44. Helen and Greg Hopkins on behalf of Finn Hopkins, Vienna, Virginia, Court of Federal Claims Number 00-0745V
45. Helen and Greg Hopkins on behalf of Ruby Hopkins, Vienna, Virginia, Court of Federal Claims Number 00-0746V
46. Edmond Chiu on behalf of James Chiu, Vienna, Virginia, Court of Federal Claims Number 00-0747V
47. Jennifer Polcari, Vienna, Virginia, Court of Federal Claims Number 00-0748V
48. Teresa and Gustavo Gruber on behalf of Catherine A. Gruber, Vienna, Virginia, Court of Federal Claims Number 00-0749V
49. Lisa and James Giffels on behalf of Keegan Rose Giffels, Kalamazoo, Michigan, Court of Federal Claims Number 00-0753V
50. Faith Ginene Wenrich on behalf of Michael Allen Wenrich, Hershey, Pennsylvania, Court of Federal Claims Number 00-0758V
51. Rose Capizzano, Westerly, Rhode Island, Court of Federal Claims Number 00-0759V
52. Alveria and Gregory Lewis on behalf of Victoria Lewis, Pensacola, Florida, Court of Federal Claims Number 00-0760V
53. Luisa Diaz on behalf of Alejandro Diaz, San Ramon, California, Court of Federal Claims Number 00-0764V
54. Robin and David Griggs on behalf of Laura Griggs, Cincinnati, Ohio, Court of Federal Claims Number 00-0765V
55. Marjorie Meashaw, Potsdam, New York, Court of Federal Claims Number 00-0769V
56. Gloria Brown on behalf of Joenesha Miller, Pahokee, Florida, Court of Federal Claims Number 00-0770V
57. Michael K. Wilde, Vienna, Virginia, Court of Federal Claims Number 00-0777V
58. Martha Carr on behalf of Danielle McGinnis, Boston, Massachusetts, Court of Federal Claims Number 00-0778V
59. Elaine Monaro, Oklahoma City, Oklahoma, Court of Federal Claims Number 00-0782V

Dated: March 9, 2001.

**Claude Earl Fox,**

*Administrator.*

[FR Doc. 01-6553 Filed 3-15-01; 8:45 am]

**BILLING CODE 4160-15-P**

## **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**[Docket No. FR-4644-N-11]**

### **Federal Property Suitable as Facilities To Assist the Homeless**

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Notice.

**SUMMARY:** This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

#### **FOR FURTHER INFORMATION CONTACT:**

Clifford Taffet, room 7266, Department of Housing and Urban Development, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708-1234; TTY number for the hearing- and speech-impaired (202) 708-2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1-800-927-7588.

**SUPPLEMENTARY INFORMATION:** In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless v. Veterans Administration*, No. 88-2503-OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the

property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, Program Support Center, HHS, room 5B-41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443-2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1-800-927-7588 for detailed instructions or write a letter to Clifford Taffet at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.*, acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: GSA: Mr. Brian K. Polly, Assistant Commissioner, General Services Administration, Office of Property Disposal, 18th and F Streets,

NW., Washington, DC 20405; (202) 501-0386; *Army*: Mr. Jeff Holste, Military Programs, U.S. Army Corps of Engineers, Installation Support Center Planning Branch, Attn: CEMP-IP, 441 G Street, NW., Washington, DC 20314-1000; (202) 761-5737; (These are not toll-free numbers).

Dated: March 8, 2001.

**John D. Garrity,**

*Director, Office of Special Needs Assistance Programs.*

**TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 3/16/01**

**Suitable/Available Properties**

*Buildings (by State)*

**Alaska**

**Armory**

**NG Noorvik**

Noorvik Co: AK 99763-

Landholding Agency: Army

Property Number: 21200110075

Status: Unutilized

Comment: 1200 sq. ft., most recent use—armory, off-site use only

**Arizona**

**22 Bldgs.**

**Fort Huachuca**

Sierra Vista Co: Cochise AZ 85635-

Location: #63002-63018, 64014-64018

Landholding Agency: Army

Property Number: 21200110076

Status: Excess

Comment: 2 & 3 bedroom family housing, presence of asbestos/lead paint, off-site use only

Bldg. 76910

**Fort Huachuca**

Sierra Vista Co: Cochise AZ 85635-

Landholding Agency: Army

Property Number: 21200110077

Status: Excess

Comment: 2001 sq. ft., presence of asbestos/lead paint, most recent use—office, off-site use only

**Georgia**

**5 Bldgs.**

**Fort Gordon**

Ft. Gordon Co: Richmond GA 30905-

Location: #34503, 34504, 34506, 34601, 34605

Landholding Agency: Army

Property Number: 21200110078

Status: Unutilized

Comment: various sq. ft., needs rehab, potential asbestos/lead paint, most recent use—residential, off-site use only

**Illinois**

**Bldg. AR107**

**Sheridan Reserve**

Arlington Heights Co: IL 6005-2475

Landholding Agency: Army

Property Number: 21200110079

Status: Unutilized

Comment: 4667 sq. ft., concrete, off-site use only

**Bldg. AR111**

**Sheridan Reserve**

Arlington Heights Co: IL 6005-2475

Landholding Agency: Army

Property Number: 21200110080

Status: Unutilized

Comment: 1000 sq. ft., off-site use only

Bldg. AR112

**Sheridan Reserve**

Arlington Heights Co: IL 60005-2475

Landholding Agency: Army

Property Number: 21200110081

Status: Unutilized

Comment: 1000 sq. ft., off-site use only

**Indiana**

**Bldg. 111**

**Fort Ben Harrison**

Indianapolis Co: IN 46216-1026

Landholding Agency: Army

Property Number: 21200110082

Status: Unutilized

Comment: 2921 sq. ft., most recent use—storage, off-site use only

**New York**

**Bldg. T-251**

**Fort Drum**

Ft. Drum Co: Jefferson NY 13602-

Landholding Agency: Army

Property Number: 21200110083

Status: Unutilized

Comment: 4720 sq. ft., needs repair, most recent use—barracks, off-site use only

**Bldg. T-791**

**Fort Drum**

Ft. Drum Co: Jefferson NY 13602-

Landholding Agency: Army

Property Number: 21200110084

Status: Unutilized

Comment: 1372 sq. ft., needs repair, most recent use—storage, off-site use only

**North Carolina**

Bldgs. A2864, A3164

**Fort Bragg**

Ft. Bragg Co: Cumberland NC 28310-5000

Landholding Agency: Army

Property Number: 21200110085

Status: Excess

Comment: 3056 sq. ft., needs rehab, presence of asbestos/lead paint, most recent use—admin., off-site use only

Bldgs. O-3551, O-3552

**Fort Bragg**

Ft. Bragg Co: Cumberland NC 28310-5000

Landholding Agency: Army

Property Number: 21200110086

Status: Excess

Comment: 1584 sq. ft., presence of asbestos/lead paint, most recent use—barracks, off-site use only

**3 Bldgs.**

**Fort Bragg**

#8-7003, 2-7404, 0-9030

Ft. Bragg Co: Cumberland NC 28310-5000

Landholding Agency: Army

Property Number: 21200110087

Status: Excess

Comment: small bldgs., needs rehab, presence of asbestos/lead paint, most recent use—storage/pumphouse, off-site use only

**Pennsylvania**

Uniontown Federal Bldg.

34 West Peter Street

Uniontown Co: Fayette PA 15401-3336

Landholding Agency: GSA

Property Number: 54200110011

Status: Excess

Comment: 24,031 sq. ft., office space, presence of asbestos/possible lead paint, historic property

GSA Number: 4-G-PA-789

**Texas**

**Bldg. P-376**

**Fort Sam Houston**

San Antonio Co: Bexar TX 78234-5000

Landholding Agency: Army

Property Number: 21200110090

Status: Excess

Comment: 2529 sq. ft., presence of asbestos/lead paint, most recent use—post exchange services, historic preservation requirements, off-site use only

**Bldg. 1281**

**Fort Bliss**

El Paso Co: TX 79916-

Landholding Agency: Army

Property Number: 21200110091

Status: Unutilized

Comment: 25,027 sq. ft., most recent use—cold storage, off-site use only

**Bldg. 2542**

**Fort Bliss**

El Paso Co: TX 79916-

Landholding Agency: Army

Property Number: 21200110092

Status: Unutilized

Comment: 3103 sq. ft., most recent use—gen. purpose, off-site use only

**Bldg. 3656**

**Fort Bliss**

El Paso Co: TX 79916-

Landholding Agency: Army

Property Number: 21200110093

Status: Unutilized

Comment: 1806 sq. ft., most recent use—igloo str. inst., off-site use only

**Bldg. 7113**

**Fort Bliss**

El Paso Co: TX 79916-

Landholding Agency: Army

Property Number: 21200110094

Status: Unutilized

Comment: 14,807 sq. ft., most recent use—nursery school, off-site use only

**Bldg. 7133**

**Fort Bliss**

El Paso Co: TX 79916-

Landholding Agency: Army

Property Number: 21200110095

Status: Unutilized

Comment: 11,755 sq. ft., most recent use—storage, off-site use only

**Bldg. 7136**

**Fort Bliss**

El Paso Co: TX 79916-

Landholding Agency: Army

Property Number: 21200110096

Status: Unutilized

Comment: 11,755 sq. ft., most recent use—vet facility, off-site use only

**Bldg. 7146**

**Fort Bliss**

El Paso Co: TX 79916-

Landholding Agency: Army

Property Number: 21200110097

Status: Unutilized

Comment: most recent use—oil storage, off-site use only

**Bldg. 7147**

**Fort Bliss**

El Paso Co: TX 79916—  
Landholding Agency: Army  
Property Number: 21200110098  
Status: Unutilized  
Comment: most recent use—oil storage, off-site use only

Bldg. 7153  
Fort Bliss  
El Paso Co: TX 79916—  
Landholding Agency: Army  
Property Number: 21200110099  
Status: Unutilized  
Comment: 11924 sq. ft., most recent use—bowling center, off-site use only

Bldg. 7162  
Fort Bliss  
El Paso Co: TX 79916—  
Landholding Agency: Army  
Property Number: 21200110100  
Status: Unutilized  
Comment: 3956 sq. ft., most recent use—development center, off-site use only

Bldg. 11116  
Fort Bliss  
El Paso Co: TX 79916—  
Landholding Agency: Army  
Property Number: 21200110101  
Status: Unutilized  
Comment: 20,100 sq. ft., most recent use—storage, off-site use only

Bldg. 11127  
Fort Bliss  
El Paso Co: TX 79916—  
Landholding Agency: Army  
Property Number: 21200110102  
Status: Unutilized  
Comment: 9172 sq. ft., most recent use—storage, off-site use only

#### *Land (by State)*

South Carolina  
One Acre  
Fort Jackson  
Columbia Co: Richland SC 29207—  
Landholding Agency: Army  
Property Number: 21200110089  
Status: Underutilized  
Comment: approx. 1 acre

#### **Unsuitable Properties**

##### *Buildings (by State)*

Ohio  
Bldg. 206  
Defense Supply Center  
Columbus Co: Franklin OH 43216-5000  
Landholding Agency: Army  
Property Number: 21200110088  
Status: Unutilized  
Reason: Extensive deterioration

##### *Land (by State)*

Alaska  
2.3 acre site  
Dillingham Small Boat Harbor  
Dillingham Co: AK  
Landholding Agency: GSA  
Property Number: 54200110010  
Status: Excess  
Reason: Within 2000 ft. of flammable or explosive material  
GSA Number: 9-D-AK-757

[FR Doc. 01-6254 Filed 3-15-01; 8:45 am]

**BILLING CODE 4210-29-M**

## **DEPARTMENT OF THE INTERIOR**

### **Central Utah Project Completion Act**

**AGENCY:** Office of the Assistant Secretary—Water and Science, Department of the Interior.

**ACTION:** Notice of intent to negotiate contract(s) and agreement(s) among and between the Central Utah Water Conservancy District, Moon Lake Water Users Association, U.S. Forest Service, and Department of the Interior for the proposed development of the Uinta Basin Replacement Project, Utah, as authorized in Section 203(a) of the Central Utah Project Completion Act.

**SUMMARY:** The Uinta Basin Replacement Project is authorized in Section 203(a) of the Central Utah Project Completion Act (CUPCA). The Lake Fork Uinta Basin Replacement Project as described in the Draft Environmental Assessment includes: the enlargement of the non-federal Big Sand Wash Dam and Reservoir; modification of the outlet works at Moon Lake Dam and Reservoir to provide regulation for instream flows; construction of a Big Sand Wash Feeder Diversion Dam on the Lake Fork River; Construction of a Big Sand Wash Feeder pipeline and a Big Sand Wash-Roosevelt distribution pipeline; stabilization of high mountain lakes in the High Uintas Wilderness; and providing fish and wildlife habitat mitigation and enhancement.

Section 203(a)(1-4) of CUPCA, authorizes funds to be appropriated to construct features of the "Uinta Basin Replacement Project." If constructed, the project would develop new water supplies for M&I and supplemental irrigation, replacement storage for the high mountain lakes irrigation water, enhance wilderness recreation, fish, and wildlife values, and provide instream flows for fishery habitat. A Draft Environmental Assessment for the Section 203(a), Uinta Basin Replacement Project was released for agency and public review on February 12, 2001. The document describes the Project and the results of the environmental impact analyses for the proposed action and the reasonable alternatives.

Section 203(c) requires that binding contracts be executed for the purchase of project water supplies before project funds can be expended and Section 203(d) of CUPCA specifies that the Uinta Basin Replacement Project be constructed under the guidelines of the Drainage Facilities and Minor Construction Act. Also, all project contracts and agreements must be negotiated and executed by all parties

except the Secretary of the Interior by June 1, 2001 to provide adequate time to process final NEPA reports and environmental decision documents before the project authorization expires. Section 203(b) provides that the authorization will terminate 5 years from the date of completion of the feasibility study. The initial feasibility study was completed in November 1996 and all contracts, agreements, final NEPA report and environmental decision document, and the final Feasibility Study must be completed by November 2001 or the authorization will sunset. Negotiated contract(s) and agreement(s) among and between the District, Moon Lake Water Users Association, U.S. Forest Service, and DOI will comply with sections 203(a) thru 203(d) of CUPCA and the terms of the Compliance Agreement.

**DATES:** Dates for public negotiation sessions for the separate contracts or agreements will be announced in local newspapers.

**FOR FURTHER INFORMATION:** Additional information on matters related to this **Federal Register** notice can be obtained by contacting Mr. Michael Hansen, Program Coordinator, CUP Completion Act Office, Department of the Interior, 302 East 1860 South, Provo UT 84606-6154, Telephone: (801) 379-1194, E-Mail address: [mhansen@uc.usbr.gov](mailto:mhansen@uc.usbr.gov).

Dated: March 12, 2001.

**Ronald Johnston,**

*CUP Program Director, Department of the Interior.*

[FR Doc. 01-6551 Filed 3-15-01; 8:45 am]

**BILLING CODE 4310-RK-P**

## **DEPARTMENT OF THE INTERIOR**

### **Fish and Wildlife Service**

#### **Notice of Receipt of Applications for Permit**

##### **Endangered Species**

The following applicants have applied for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*). Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

*Applicant:* Mark L. Runnels, Bradentown, FL, PRT-037829.

The applicant requests a permit to import ten captive hatched scarlet-chested parakeets (*Neophema splendida*) and ten captive hatched turquosine parakeet (*Neophema pulchella*) from The Netherlands for the purpose of enhancement of the survival of the species through captive propagation.

*Applicant:* Michael Pitsikoulis, Lakeland, FL, PRT-039654.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

*Applicant:* Massachusetts Institute of Technology, Division of Comparative Medicine, DVM, PRT-037158.

The applicant request a permit to import biological samples of cotton-top Marmoset (*Saguinus oedipus*) for scientific research for the purpose of enhancement of the survival of the species. This notification covers activities conducted by the applicant for a period of five years.

*Applicant:* Kevin A. Tabler, Anchorage, AK, PRT-039256.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

#### Marine Mammals

The public is invited to comment on the following application(s) for a permit to conduct certain activities with marine mammals. The application(s) was submitted to satisfy requirements of the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*) and the regulations governing marine mammals (50 CFR part 18).

Written data, comments or requests for copies of these complete applications or requests for a public hearing on these applications should be sent to the U.S. Fish and Wildlife Service, Division of Management Authority, 4401 N. Fairfax Drive, Room 700, Arlington, Virginia 22203, telephone 703/358-2104 or fax 703/358-2281. These requests must be received within 30 days of the date of publication of this notice. Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a

hearing is at the discretion of the Director.

*Applicant:* Kenneth E. Behring, Danville, CA, PRT-038572.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport hunted from the Lancaster Sound Bay polar bear population in Canada for personal use.

The U.S. Fish and Wildlife has information collection approval from OMB through February 28, 2001. OMB Control Number 1018-0093. Federal Agencies may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a current valid OMB control number.

Documents and other information submitted with these applications are available for review, *subject to the requirements of the Privacy Act and Freedom of Information Act*, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. Phone: (703/358-2104); FAX: (703/358-2281).

Dated: March 2, 2001.

**Anna Barry,**

*Senior Permit Biologist, Branch of Permits, Division of Management Authority.*

[FR Doc. 01-6600 Filed 3-15-01; 8:45 am]

**BILLING CODE 4310-55-P**

## DEPARTMENT OF THE INTERIOR

### Geological Survey

#### Data Elements for Reporting Water Quality Results of Chemical and Microbiological Analytes

**AGENCY:** U.S. Geological Survey, Interior.

**ACTION:** Notice of availability and request for comments.

**SUMMARY:** Notice of availability is hereby given for a 45-day public comment period on the proposed set of Data Elements for Reporting Water Quality Results of Chemical and Microbiological Analytes developed by the National Water Quality Monitoring Council. The Council prepared this critical core set of data elements to facilitate the sharing of chemical and microbiological water quality data and promote efficiency in the monitoring of water resource quality programs. The Council will hold public meetings to take public comment on this proposal at four locations. The suggested audiences

for this proposal include program managers responsible for developing and using water quality data, researchers, data analysts, and database managers in the public and private sectors and the general public with interests in development and use of water quality data.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Water quality monitoring is an increasingly important element of water quality management activities. It provides information for an accurate understanding of the conditions of waters and the trends in observed water quality. Water quality must be understood in order that valid and effective restoration and protection programs can be designed for waterbodies that vary significantly in their vulnerability and pollution stress. Because of the cost of its collection, water quality data must be viewed as a resource worthy of careful management both to preserve it for future analyses by the agency that collects it and to share it among local, state, and federal agencies, and the private sector involved in resource management activities.

The National Water Quality Monitoring Council has identified the standardization of water quality data elements as important in the preservation and use of data and is proposing today a list of data elements that offer both definitions of each element and lists of related groups of elements needed to provide a complete picture of the sampling and analytic activity. In 1995, the predecessor organization to the Council, the Intergovernmental Task Force on Monitoring Water Quality (ITFM), identified the need for a set of minimum data elements to facilitate sharing and exchange of information (ITFM, 1995a). The ITFM also developed a recommended list of data elements for use in establishing new, or modernizing existing, databases, which served as the starting point for today's proposal (ITFM, 1995b). This list is expected to influence the collection of water quality data by federal, state, and local agencies; academic institutions; the private sector; and citizens who volunteer their efforts. These are the groups that together collect the majority of ambient water quality data in the country.

The core set of Data Elements for Reporting Water Quality Results of Chemical and Microbiological Analytes is expected to be presented to the Advisory Committee on Water Information at its May 2001 meeting and to be available to the U.S.

Environmental Protection Agency for consideration as one of the growing list of data standards it is adopting, as well as for voluntary use by other local, state and federal agencies and the private sector.

In the future, the National Water Quality Monitoring Council is planning to develop data elements to address higher level biological indicators of water and habitat quality for ecological analysis. The Council has concurrent efforts to foster more consistent analytic techniques and more widespread information sharing as a means of reducing costs and increasing the data available for decisions.

## II. Proposal

The Council believes that by proposing a core set of data elements, agencies collecting water quality data will be spared the task of creating their own systems for organizing metadata and their own set of definitions of the metadata elements. When implemented, a standard set of data elements will spare all data users the complex task of reconciling diverse metadata systems as they draw on multiple data sets to carry out their studies or analyses. The Council believes that the standardization inherent in the use of standard data elements holds the prospect of reducing costly duplicate monitoring efforts.

These data elements are proposed as guidelines to define a measure of good practice within the water quality monitoring community. They will encourage greater data consistency, allow the quality of data to be determined by future users, and simplify the process for all who choose to enter these metadata elements. It is not required that all the proposed data elements be used. Metadata selected must fit the data they describe. Sampling data from ground water, for instance, is described by several metadata elements that are of no use for surface water samples. Therefore, the Council does not intend to require anyone to provide all of the proposed elements in order for data to be entered in a federally maintained database. The Council's advocacy of these data elements is not intended to discourage the use of existing water quality data solely because it does not meet these guidelines.

The core set of Data Elements for Reporting Water Quality Results of Chemical and Microbiological Analytes cover wells, surface water stations, and precipitation. This list is intended to standardize the preservation of data and to facilitate its sharing by standardizing definitions and by defining the list of

data, metadata and their descriptive definitions. A data element is the name of a set of information with the same attribute. A data element may be a data field in a database such as a laboratory name, and analyte, or the latitude of the sampling station. Examples of metadata elements include such things as sampling and laboratory procedures, quality controls, and locational measurement accuracy.

The list of data elements is not specific to any particular database, but is intended to be used voluntarily by agencies, organizations and individuals to guide their reporting, storage, and sharing of water quality data. This list is intended primarily to guide the collection of ambient water quality data, but many of the allowable sample location and sample type descriptions are versatile enough to be useful in collecting these data in other settings.

The list of data and metadata elements is divided into categories that describe who collected and analyzed the sample, what was analyzed, why the sample was undertaken, when the sample was collected and analyzed, where the sampling occurred, and how the analysis was done. The list is intended to describe the breadth of information needed to ensure the continuing utility of the information both within an organization and between organizations as information is stored and shared, but without being an exhaustive list of every possible data element that could be reported. The Council devoted great efforts to focus the core set of data elements on the essential data needed across programs, recognizing that if more extensive data from a particular monitoring program were collected, it could be made available as well.

## III. Authority

The Office of Management and Budget memorandum M-92-01, Coordination of Water Resources Information (OMB, 1991), established the Water Information Coordination Program (WICP) to ensure coordination of water information programs.

The Department of the Interior, through the U.S. Geological Survey, was designated as the lead agency for the WICP. The Memorandum M-92-01 directed all other Federal organizations funding, collecting, or using water resources information to assist the U.S. Geological Survey in ensuring the implementation of an effective WICP. The WICP was specifically charged with developing uniform standards, guidelines, and procedures for the collection, analysis, management, and dissemination of water information in

order to improve quality, consistency, and accessibility nationwide.

The WICP created the Advisory Committee on Water Information (ACWI) under the provisions of the Federal Advisory Committee Act (FACA). FACA provides the procedures for an advisory committee to be established in the interest of obtaining advice or recommendations for the President or one or more agencies or officers of the Federal Government. ACWI created the National Water Quality Monitoring Council to make recommendations on how to coordinate and provide guidance and technical support for the voluntary implementation of the recommendation presented in the Strategy for Improving Water Quality Monitoring in the United States (ITFM, 1995b) by government agencies and the private sector.

The intent of the Strategy is to stimulate the monitoring improvements needed to achieve comparable and scientifically defensible information on interpretations, and evaluations of water quality in fresh surface, water, estuaries and near coastal water, ground water, and precipitation at local, watershed units, regional, and national levels. The information is required to support decision making at local, state, tribal, interstate, and national scales.

During the assembly of the list of data elements, the work groups assembled by the Council attempted to reduce the number of recommended data elements in order to minimize the burden of recording the information each element requires. The Council believes the current list is the core set of elements that are reasonable to collect and record in order to allow people, in addition to those initially collecting the data, to use the data with confidence. This position is predicated on the Council's belief that water quality data is an investment with value over time in a single organization and between organizations and that the investment must be adequately protected with metadata describing the data such as the Council proposes today. This represents a departure from current practice for many water quality monitoring programs, and the Council would like to learn of different and/or opposing views on this issue.

One specific issue within the wider issue of metadata is the recording of information about quality control samples, and whether the set of data elements affords adequate reference to them.

As with any list of data elements, the selection of the specific names to be used and their definitions are important. The Council welcomes any specific



comments or expressions of preferences in this regard.

#### IV. Consultation

The Core Set of Data Elements for Reporting Water Quality Results was developed through a collaborative effort with representatives from the following local, State, and Federal agencies and the water industry, which are members of the Council:

- East Bay Municipal Utility District (California)
- Hampton Roads Sanitation District (Virginia)
- Orange County Water District (California)
- Merck, Inc.
- National Water Research Institute
- George Washington University
- Association of Public Health Laboratories

• Delaware River Basin Commission

• Florida Department of Environment Protection

• Virginia Department of Environmental Quality

- New Jersey State Geological Survey
- New York Department of Health
- Washington State Department of Ecology

• Arizona Department of Environmental Quality

• National Institute of Standards and Technology

- US Geological Survey
- US Environmental Protection Agency

The Council also held a National Water Quality Monitoring Conference in Austin, Texas, in April 2000, at which it sponsored a workshop attended by a wide range of representatives from local, state, and federal agencies and the private sector concerning the content, focus, need and future use of a core set of water quality data elements. The workshop participants overwhelmingly supported this effort.

#### V. Public Meetings

Public hearings will be held to take public comment on the core set of Data Elements for Reporting Water Quality Results at the following locations, dates and times:

Chicago, IL—March 23, 2001 from 10 a.m. until 3 p.m., in the Morrison Room at the General Services Administration Conference Center, 3rd Floor, Room 331, Metcalf Building, 77 West Jackson Boulevard, Chicago, IL.

San Francisco Bay Area, CA—March 27, 2001, from 10 a.m. until 3 p.m., in Room 3240A at the U.S. Geological Survey offices at 345 Middlefield Road, Menlo Park, CA.

Denver, CO—March 28, 2001, from 9 a.m. until 12:30 p.m. in the Sabine-

Cleere Room, first floor of Building A, of the Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive, South, Denver, CO.

Washington, DC—April 4, 2001, from 10 a.m. until 3 p.m. in the Sydney Yates Auditorium, floor 1, of the U.S. Department of the Interior, 1849 C Street, NW., Washington, DC.

The suggested audiences for this proposal include program managers responsible for developing and using water quality data, researchers, data analysts, and database managers in the public and private sectors, and the general public with interests in development and use of water quality data.

#### VI. Electronic Access and Filing of Comments

You may view and download the draft recommendations for the core set of Data Elements for Reporting Water Quality Results on the USGS Water Information Coordination Program's Internet site at: <http://wi.water.usgs.gov/pmethods/elements/elements.html>

The Question and Answer section of the web site provides additional information. If you require a paper copy to be sent to you, you must contact the EPA Safe Drinking Water Hotline at (800) 428-4791 and request that it be sent to you. You may submit comments by electronic mail (e-mail) to [ow-docket@epa.gov](mailto:ow-docket@epa.gov). Submit comments as an ASCII or WordPerfect file avoiding the use of special characters and any form of encryption. Comments may also be mailed to: Water Docket, Docket No. W-01-02, MC 4101, U.S. EPA, 1200 Pennsylvania Avenue, NW., Washington, DC 20460. Comments being hand-delivered should be addressed to: Water Docket, Docket No. W-01-02, MC 4101, Room BE 57, U.S. EPA, 401 M Street, SW., Washington, DC 20460. Identify all comments and data in electronic or written form by docket Number W-01-02. Electronic and written comments must be received by the docket by April 30, 2001, for consideration in formulating a final core set of Data Elements for Reporting Water Quality Results.

Documents relevant to this proposal are available for inspection from 9 a.m. to 4 p.m. Eastern Time, Monday through Friday, excluding legal holidays at the Water Docket, East Tower, Room EB 57, U.S. EPA, 401 M Street, SW., Washington, DC. For access to docket (Docket No. W-01-02) materials, please call (202) 260-3027 between 9:00 a.m. and 3:30 p.m. Eastern Time, Monday through Friday to schedule an appointment. A reasonable fee may be charged for copying.

#### VII. For Further Information

For additional information concerning today's proposal, you may contact: Charles Job, Drinking Water Protection Division, Office of Ground Water and Drinking Water (MC-4606), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington DC 20460, or Charles Peters, U.S. Geological Survey, 8505 Research Way, Middleton, WI 53562.

#### VIII. References

Office of Management and Budget. 1991. Coordination of Water Resources Information. Memorandum M-92-01 (dated December 10, 1991).

Intergovernmental Task Force on Monitoring Water Quality. 1995a. Strategy for Improving Water-Quality Monitoring in the United States, Final Report of the Intergovernmental Task Force on Monitoring Water Quality.

Intergovernmental Task Force on Monitoring Water Quality. 1995b. Strategy for Improving Water-Quality Monitoring in the United States, Final Report of the Intergovernmental Task Force on Monitoring Water Quality; Technical Appendices.

Dated: March 9, 2001.

**Robert M. Hirsch,**

*Associate Director for Water.*

[FR Doc. 01-6508 Filed 3-15-01; 8:45 am]

**BILLING CODE 4310-Y7-M**

#### DEPARTMENT OF THE INTERIOR

##### Bureau of Indian Affairs

##### Distribution of Fiscal Year 2001 Contract Support Funds

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice of method of distribution and use of Fiscal Year 2001 Contract Support Funds.

**SUMMARY:** The purpose of this announcement is to provide instructions to Bureau of Indian Affairs (BIA) in carrying out their responsibilities when distributing Contract Support Funds (CSF) for contracts awarded under Public Law 93-638, as amended. The instructions are not regulations to establish program requirements.

**DATES:** The CSF Needs Report for ongoing/existing contracts and annual funding agreements are due on July 15, 2001. The CSF Needs Reports for new and expanded contracts and annual funding agreements are due periodically throughout the year as the need arises. All new and expanded contracts and annual funding agreements starting between October 11, 2000 and January



1, 2001, shall be considered to have a January 1, 2001, start date.

**ADDRESSES:** Submit the CSF Needs Report to Jim Thomas, Chief, Division of Self-Determination Services, Bureau of Indian Affairs, 1849 C Street, NW., MS-4660-MIB, Washington, DC 20240.

**FOR FURTHER INFORMATION CONTACT:** Jim Thomas, (202) 208-5727.

**SUPPLEMENTARY INFORMATION:** A total of \$130,485,000 is available for contract support requirements (excluding construction requirements) during FY 2001. Congressional language authorizes the use of \$125,485,000 in FY 2001 to pay costs of ongoing/existing self-determination and self-governance awards for programs under contract/compact prior to FY 2001 and \$5,000,000 for the Indian Self-Determination Fund (ISD) to be utilized for new and expanded contracts/compacts. Each BIA Regional Office and the Office of Self-Governance (hereinafter office) has the responsibility for tribes located within their respective jurisdiction to work with the tribes in identifying new and expanded contracts and annual funding agreements and reporting this information to the Division of Self-Determination Services as specified in this announcement. CSF shall be added to awards made under section 102 and title IV of the Indian Self-Determination and Education Assistance Act, as amended. Awards made under the authority of section 103 (Grants to Tribal Organizations or Tribes) of the Act shall not receive CSF.

#### **Basis for Payment of CSF**

The BIA may only pay indirect costs attributable to program funds included in the BIA's appropriation. Awards by the BIA with funds originating from other agencies which have been transferred to the BIA for award under Public Law 93-638 are not eligible for BIA CSF. Contract support/indirect costs requirements for these awards must be met from within the amounts transferred. (One example would include funds transferred to the BIA from the Department of Transportation for roads construction.) BIA will utilize tribal indirect cost rates to determine the amount of CSF to be paid to contracting tribes and tribal organizations and self-governance tribes and tribal consortia. In determining legitimate indirect cost requirements, each office shall fund only those contracting or compacting tribal organizations that have an approved indirect cost rate or indirect cost proposal currently under consideration by the Office of Inspector General. In those instances where a tribe or tribal

organization has more than one approved rate or a current proposal under consideration by the Office of the Inspector General, the office should use the most current rate or pending proposal in determining the amount to award. For tribes unable to negotiate an indirect cost rate because of circumstances beyond their control (i.e., which do not have the administrative capability to negotiate a rate), awarding officials may negotiate reasonable lump sum amounts with these tribes.

#### **Indirect Cost Computation**

The following steps must be followed by BIA personnel when computing contract support annual funding requirements:

- (1) Determine total current year program funds;
- (2) Subtract exclusions (See indirect cost agreements). Examples of exclusions include capital expenditures and pass through funds (those programs requiring minimal administrative effort). Exclude other agency appropriations awarded by the BIA (i.e., Roads Construction funds transferred from the Department of Transportation);
- (3) Direct cost base (results of steps 1 and 2);
- (4) Multiply indirect cost rate against base determined in step 3;
- (5) Results of step 4 equals indirect cost amount at 100 percent;
- (6) Multiply current year contract support fund funding percentage against step 5; and
- (7) The result of step 6—The amount of current year contract support funds to be added to contracts.

#### **Ongoing/Existing Contracts/Annual Funding Agreements—Method of Distribution**

Each office will submit a CSF Needs Report to the Central Office for ongoing contracts and annual funding agreements by July 15, 2001. CSF for Public Law 102-477, contracts and grants awarded under the authority of Public Law 93-638, shall be calculated at the Regional Offices and reported separately when submitting the July 15, 2001, Report. A final distribution of contract support will be made on or about July 31, 2001. CSF will be provided to each office from the remaining based on these reports. If the need reports indicate that \$125,485,000 will be insufficient to cover the entire need, the amount available shall be distributed pro rata, so that all contractors and compactors receive the same percentage share of their reported need.

Should the amount of CSF provided for these contracts and annual funding

agreements prove insufficient, contracting tribes may use program funds to make up deficiencies necessary to administer their contracts. This tribal reprogramming authority is limited to funds from their Tribal Priority Allocation (TPA), or annual funding agreement. Congressional appropriations prohibits the BIA from reprogramming funds from other Bureau programs to meet any CSF shortfalls.

For other non-TPA programs, tribes may recover full indirect costs from within the overall program funds awarded.

Each office in FY 2001 was provided 85 percent of the total CSF amount which was allotted in FY 2000. From this amount each office should award 75 percent of required contract support to each contract/annual funding agreement to meet the criteria established below.

All contractors and self-governance tribes/consortia with either an approved indirect cost rate, current indirect cost proposal, or FY 2001 approved lump sum amount shall receive 75 percent of the reported need to be paid with the first allotment of CSF in FY 2001. After the second allotment of CSF is made (approximately July 31, 2001) all contractors and self-governance tribes/consortia shall receive a pro rata share of CSF.

An ongoing/existing contract or annual funding agreement is defined as a BIA program operated by the tribal contractor or compactor on an ongoing basis which has been entered into prior to the current fiscal year. An increase or decrease in the level of funding from year-to-year for such contracts or annual funding agreements would not affect the designation of such contracts or annual funding agreements as being ongoing. The assumption of additional BIA program responsibilities would be required to trigger a change in designation.

#### **Indian Self-Determination Fund—New and Expanded Contracts/Compacts and Start-Up Costs**

Each office shall submit CSF Need Reports to the Central Office, Office of Tribal Services, for new and expanded contracts and annual funding agreements periodically throughout the year as new contracts or annual funding agreements are awarded or existing contracts or annual funding agreements are expanded. Funds will be provided to the offices as these reports are received and will be taken from the \$5,000,000 appropriated. These funds will be distributed on a first-come, first-served basis at 100 percent of the need reported.

In the event the \$5,000,000 is insufficient to meet the reported need, new or expanded contracts or annual funding agreements awarded after this fund has been exhausted will not be provided CSF during this fiscal year. Requests received after this fund has been exhausted will be considered first for funding in the following year, if such funds are appropriated.

The Indian Self-Determination Act (Public Law 93-638) defines the term Start-Up Cost (Section 106(a)(5)) as follows:

Subject to paragraph (6) of section 106, during the initial year of a self-determination contract, the amount required to be paid under paragraph (2) shall include startup costs which are reasonable and are incurred on a one-time only basis and are considered necessary to:

- (1) Plan, prepare for, and assume operation of the program, function, service, or activity that is the subject of the contract; and
- (2) Ensure compliance with the terms of the contract and prudent management.

For specific guidance, including examples of start-up costs, see the BIA website under Tribal Services/Self-Determination Services.

#### **Priority of Funding for New and Expanded Contracts/Annual Funding Agreements**

Contract support will be awarded from the ISD fund to all new and expanded contracts/annual funding agreements based on the start date of the award, and the application date, on a first-come, first-served basis. An Indian Self-Determination fund "applicant roster" shall be maintained, which lists, in order of priority, the name of the tribe or tribal organization, the title of the program, the start date, the application date, the amount of program funds, the program cost code(s), the amount of contract support funds required, and the date of approved indirect cost rate agreement or lump sum agreement.

Start date means the date or commencement of operation of the new or expanded portion of the contract or annual funding agreement by a tribe, consortium, or tribal organization. However, because the Self-Determination Act provides that contracts/annual funding agreements will be on a calendar year basis unless otherwise provided by the tribe, any start date on or prior to January 1 of each year shall be considered a January 1 start date.

The application date shall be the date of the request by the tribe which includes:

- (1) A tribal resolution requesting a contract or annual funding agreement;
- (2) A summary of the program or portion thereof to be operated by the tribe/consortium or tribal organization; and

(3) A summary identifying the source and amount of program or services funds to be contracted or included in an annual funding agreement and contract support requirements. In the event that two tribes or tribal organizations have the same start date and application date, then the next date for determination of priority shall be the date the fully complete application was received by the BIA.

If all of the above are equal, and if funds remaining in the ISD fund are not adequate to fill the entire amount of each award's contract support requirement, then each will be awarded a proportionate share of its requirement and shall remain on the Indian Self-Determination fund roster in appropriate order of priority for future distributions on a first-come, first-served basis, as such funds are appropriated.

A new contract or annual funding agreement is defined as the initial transfer of a program, previously operated by the BIA to the tribe/consortium or tribal organization.

An expanded contract or annual funding agreement is defined as a contract or annual funding agreement which has become enlarged during the current fiscal year through the assumption of additional programs previously operated by the BIA.

#### **Criteria for Determining CSF Need for Ongoing/Existing Contracts/Annual Funding Agreements**

CSF for ongoing and existing contracts and annual funding agreements will be determined using the following criteria:

- (1) All TPA contracted programs or those programs included in annual funding agreements in FY 2000 and continued in FY 2001, including contracted or annual funding agreement programs moved to TPA in FY 2001.
- (2) Direct program funding increases due to inflation adjustments and general budget increases.
- (3) TPA programs started or expanded in FY 2001 that are a result of a change in priorities from other already contracted/annual funding agreement programs.
- (4) CSF differentials associated with tribally-operated schools that receive indirect costs through the application of an administrative cost grant formula. These differentials are to be calculated in accordance with the criteria

prescribed in the Choctaw decision dated September 18, 1992, issued by the Contracting Officer, Eastern Regional Office. Copies of this decision can be obtained by calling the telephone number provided in this announcement.

(5) CSF will be distributed to the Office of Self-Governance for ongoing annual funding agreements, on the same basis as regional offices.

(6) Funds available for Indian Child Welfare Act (ICWA) programs or reprogrammed from ICWA to other programs will be considered ongoing for the purposes of payment of contract support costs.

(7) The use of CSF to pay prior year shortfalls is not authorized.

(8) Programs funded from sources other than those listed above which were awarded in FY 2000 and are to be awarded in FY 2001 shall be considered as ongoing programs.

Dated: March 12, 2001.

**James H. McDivitt,**

*Deputy Assistant Secretary—Indian Affairs (Management).*

[FR Doc. 01-6561 Filed 3-15-01; 8:45 am]

BILLING CODE 4310-02-P

## **INTERNATIONAL TRADE COMMISSION**

[USITC SE-01-010]

### **Sunshine Act Meeting**

**AGENCY HOLDING THE MEETING:** United States International Trade Commission.

**TIME AND DATE:** March 21, 2001 at 11 a.m.

**PLACE:** Room 101, 500 E Street SW., Washington, DC 20436, Telephone: (202) 205-2000.

**STATUS:** Open to the public.

#### **MATTERS TO BE CONSIDERED:**

1. Agenda for future meeting: none.
  2. Minutes.
  3. Ratification List.
  4. Inv. Nos. 731-TA-868-869 (Final) (Steel Wire Rope from China and India)—briefing and vote. (The Commission is currently scheduled to transmit its determination and Commissioners' opinions to the Secretary of Commerce on March 30, 2001.)
  5. Inv. No. TA-204-4 (Wheat Gluten: Extension of Action)—briefing and vote. (The Commission is currently scheduled to transmit Commissioners' opinions to the President on April 2, 2001.)
  6. Outstanding action jackets: none.
- In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: March 12, 2001.

By order of the Commission.

**Donna R. Koehnke,**

*Secretary.*

[FR Doc. 01-6668 Filed 3-13-01; 5:16 pm]

**BILLING CODE 7020-10-P**

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Submission for OMB Review; Comment Request

March 9, 2001.

The Department of Labor (DOL) has submitted the following public information collection requests (ICRs) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104-13, 44 U.S.C. chapter 35). A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor. To obtain documentation contact Darrin King at (202) 693-4129 or E-Mail King-Darrin@dol.gov.

Comments should be sent to Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for ETA, Office of Management and Budget, Room 10235, Washington, DC 20503 ((202) 395-7316), within 30 days from the date of this publication in the **Federal Register**.

The OMB is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

*Type of Review:* Reinstatement with change of currently approved collection.

*Agency:* Employment and Training Administration (ETA).

*Title:* Planning Guidance and Instructions for Submission of Strategic

5-Year State Plan and Plan Modifications for Title I of the Workforce Investment Act of 1998 (Workforce Investment Systems) and the Wagner-Peyser Act.

*OMB Number:* 1205-0398.

*Affected Public:* State, Local, or Tribal Government.

*Frequency:* On occasion.

*Number of Respondents:* 59.

*Number of Annual Responses:* 59.

*Estimated Time Per Response:* 25 hours.

*Total Burden Hours:* 1,475.

*Total Annualized Capital/Startup Costs:* \$0.

*Total Annual Costs (operating/maintaining systems or purchasing services):* \$0.

*Description:* The Workforce Investment Act of 1998 (Public Law 105-220) provides the framework for a network of State workforce investment systems designed to meet the needs of the nation's businesses, job seekers, youth, and those who want to further their careers. Title I requires that States develop five-year strategic plan for this system. Modifications to these plans may be required under 20 CFR 652.212-214 and 20 CFR 661.230.

**Ira L. Mills,**

*Departmental Clearance Officer.*

[FR Doc. 01-6607 Filed 3-15-01; 8:45 am]

**BILLING CODE 4510-30-M**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Proposed Collection; ETA 218, Benefit Rights and Experience; Comment Request

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Employment and Training Administration is soliciting comments

concerning the proposed extension of the collection of the ETA 218, Benefits Rights and Experience.

A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addressee section of this notice.

**DATES:** Written comments must be submitted to the office listed in the addressee's section below on or before May 15, 2001.

**ADDRESSES:** Cynthia Ambler, U.S. Department of Labor, Employment and Training Administration, Room S-4231, 200 Constitution Ave. NW., Washington, DC 20210. Phone number: 202-693-3177. (This is not a toll free number.) E-mail: cambler@doleta.gov. Fax: 202-693-3229.

#### SUPPLEMENTARY INFORMATION:

##### I. Background

Attachment to the labor force, usually measured as amount of past wages earned, is used to determine eligibility for State unemployment compensation programs. The data in the ETA 218, Benefit Rights and Experience Report, includes numbers of individuals who were and were not monetarily eligible, those eligible for the maximum benefits, those eligible classified by potential duration categories, and exhaustees classified by actual duration categories. This data is used by the National Office in solvency studies, cost estimating and modeling, and to assess State benefit formulas.

##### II. Review Focus

The Department of Labor is particularly interested in comments which

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

**III. Current Actions**

We are requesting a simple extension of this clearance. If this data were not available, cost estimating and modeling would be far less accurate.

*Type of Review:* Extension without change.

*Agency:* Employment and Training Administration, Office of Workforce Security.

*Title:* Benefit Rights and Experience.

*OMB Number:* 1205-0177.

*Agency Number:* ETA 218.

*Recordkeeping:* 3 year record retention.

*Affected Public:* State Governments.

*Total Respondents:* 53.

*Frequency:* Quarterly.

*Total Responses:* 216.

*Average Time per Response:* ½ hour.

*Estimated Burden Hours:*

Cite/reference	Total respondents	Frequency	Total responses	Average time per response (in hours)	Burden (in hours)
ETA 218 Regular .....	53	Quarterly .....	212	½	106
ETA 218 Extended Benefits .....	2	Quarterly .....	4	¼	1
Totals .....			216		107

*Total Burden Cost (operating/maintaining):* \$2,675.

Comments submitted in response to this comment request will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: March 9, 2001.

**Grace A. Kilbane,**

*Administrator, Office of Workforce Security.*

[FR Doc. 01-6605 Filed 3-15-01; 8:45 am]

**BILLING CODE 4510-30-P**

**DEPARTMENT OF LABOR****Employment Standards Administration; Wage and House Division****Minimum Wages for Federal and Federal Assisted Construction; General Wage Determination Decisions**

General Wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be

enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wage payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under the Davis-Bacon Act And Related Acts," shall be the minimum paid by

contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S-3014, Washington, DC 20210.

**New General Wage Determination Decision**

The number of the decisions added to the Government Printing Office document entitled "General Wage Determination Issued Under the Davis-Bacon and related Acts" are listed by Volume and States:

*Volume I*

New Hampshire  
NH010012 (MAR. 16, 2001)

**Modification to General Wage Determination Decisions**

The number of decisions listed to the Government Printing Office document entitled "General Wage Determinations Issued Under the Davis-Bacon and related Acts" being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

*Volume I*

Massachusetts  
MA010013 (MAR. 02, 2001)

*Volume II*

Pennsylvania  
PA010004 (MAR. 02, 2001)  
PA010042 (MAR. 02, 2001)

*Volume III*

Florida  
FL010032 (MAR. 02, 2001)

South Carolina  
SC010033 (MAR. 02, 2001)

*Volume IV*

Michigan  
MI010034 (MAR. 02, 2001)

*Volume V*

Iowa  
IA10001 (MAR. 02, 2001)  
IA10002 (MAR. 02, 2001)  
IA10003 (MAR. 02, 2001)  
IA10004 (MAR. 02, 2001)  
IA10045 (MAR. 02, 2001)

Kansas  
KS010006 (MAR. 02, 2001)  
KS010009 (MAR. 02, 2001)  
KS010012 (MAR. 02, 2001)  
KS010016 (MAR. 02, 2001)  
KS010022 (MAR. 02, 2001)  
KS010025 (MAR. 02, 2001)  
KS010069 (MAR. 02, 2001)  
KS010070 (MAR. 02, 2001)

*Volume VI*

Oregon  
OR010001 (MAR. 02, 2001)  
OR010017 (MAR. 02, 2001)

Washington  
WA010001 (MAR. 02, 2001)  
WA010002 (MAR. 02, 2001)  
WA010006 (MAR. 02, 2001)  
WA010008 (MAR. 02, 2001)  
WA010010 (MAR. 02, 2001)

*Volume VII*

California  
CA010004 (MAR. 02, 2001)  
CA010028 (MAR. 02, 2001)  
CA010029 (MAR. 02, 2001)  
CA010030 (MAR. 02, 2001)  
CA010033 (MAR. 02, 2001)  
CA010035 (MAR. 02, 2001)  
CA010036 (MAR. 02, 2001)

**General Wage Determination Publication**

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled "General Wage Determinations Issued Under The Davis-Bacon And Related Acts". This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

General wage determinations issued under the Davis-Bacon and related Acts are available electronically at no cost on the Government Printing Office site at [www.access.gpo.gov/davisbacon](http://www.access.gpo.gov/davisbacon). They are also available electronically by subscription to the FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1-800-363-2068.

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Dated: Signed at Washington, DC, this 8th day of March, 2001.

**Carl J. Poleskey,**

*Chief, Branch of Construction Wage Determinations.*

[FR Doc. 01-6317 Filed 3-15-01; 8:45 am]

**BILLING CODE 4510-27-M**

**DEPARTMENT OF LABOR**

**Bureau of Labor Statistics**

**Proposed Collection; Comment Request**

**ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed reinstatement of the "Veterans Supplement to the Current Population Survey (CPS)," to be conducted in September 2001. A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

**DATES:** Written comments must be submitted to the office listed in the **ADDRESSES** section of this notice on or before May 15, 2001.

**ADDRESSES:** Send comments to Ausie B. Grigg, Jr., BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 3255, 2 Massachusetts Avenue, NE.,

Washington, DC 20212, telephone number 202-691-7628 (this is not a toll free number).

**FOR FURTHER INFORMATION CONTACT:** Ausie B. Grigg, Jr., BLS Clearance Officer, telephone number 202-691-7628. (See **ADDRESSES** section.)

**SUPPLEMENTARY INFORMATION:**

**I. Background**

The CPS has been the principal source of the official Government statistics on employment and unemployment for over 50 years. Collection of labor force data through the CPS is necessary to meet the requirements in Title 29, United States Code, Sections 1 and 2. The Veterans Supplement provides information on the labor force status of disabled veterans, Vietnam-theater veterans, and recently discharged veterans. The supplement also provides information on veterans' participation in various employment and training programs. The data collected through this supplement also will be used by the Veterans Employment and Training Service and the Department of Veterans Affairs to determine policies that better meet the needs of our Nation's veteran population.

**II. Desired Focus of Comments**

The Bureau of Labor Statistics is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

**III. Current Action**

Office of Management and Budget clearance is being sought for the Veterans Supplement to the CPS.

*Type of Review:* Reinstatement, with change, of a previously approved collection for which approval has expired.

*Agency:* Bureau of Labor Statistics.  
*Title:* Veterans Supplement to the CPS.

*OMB Number:* 1220-0102.

*Affected Public:* Households.

*Total Respondents:* 14,400.

*Frequency:* Biennially.

*Total Responses:* 14,400.

*Average Time Per Response:* 1 minute.

*Estimated Total Burden Hours:* 240 hours.

*Total Burden Cost (capital/startup):* \$0.

*Total Burden Cost (operating/maintenance):* \$0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, this 12th day of March, 2001.

**W. Stuart Rust, Jr.,**

*Chief, Division of Management Systems,  
Bureau of Labor Statistics.*

[FR Doc. 01-6604 Filed 3-15-01; 8:45 am]

**BILLING CODE 4510-24-P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. NRTL-2-92]

#### Canadian Standards Association, Applications for Renewal and Expansion of Recognition

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice.

**SUMMARY:** This notice announces: (1) The application of Canadian Standards Association for renewal of its recognition as a Nationally Recognized Testing Laboratory under 29 CFR 1910.7, and (2) the application of Canadian Standards Association for expansion of its recognition to use additional standards and presents the Agency's preliminary finding. This preliminary finding does not constitute an interim or temporary approval of these applications.

**DATES:** Comments submitted by interested parties, or any request for extension of the time to comment, must be received no later than April 2, 2001.

**ADDRESSES:** Submit written comments concerning this notice to: Docket Office, Docket NRTL-2-92, U.S. Department of Labor, Occupational Safety and Health Administration, Room N2625, 200 Constitution Avenue, NW., Washington,

DC 20210; telephone: (202) 693-2350. Commenters may transmit written comments of 10 pages or less in length by facsimile to (202) 693-1648. Submit request for extensions concerning this notice to: Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3653, 200 Constitution Avenue, NW., Washington, DC 20210.

**FOR FURTHER INFORMATION CONTACT:** Bernard Pasquet, Office of Technical Programs and Coordination Activities, NRTL Program, Room N3653 at the above address, or phone (202) 693-2110.

#### SUPPLEMENTARY INFORMATION:

##### Notice of Application

The Occupational Safety and Health Administration (OSHA) hereby gives notice that the Canadian Standards Association (CSA) has applied for renewal and for expansion of its current recognition as a Nationally Recognized Testing Laboratory (NRTL). CSA's expansion request covers the use of additional test standards.

OSHA recognition of an NRTL signifies that the organization has met the legal requirements in § 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7). Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, OSHA can accept products "properly certified" by the NRTL. OSHA processes applications related to an NRTL's recognition following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish this public notice of the preliminary finding on an application.

The most recent notices published by OSHA for CSA's recognition covered an expansion for additional standards, which OSHA announced on July 20, 1999 (64 FR 38926) and granted on November 4, 1999 (64 FR 60240). The following is a chronology of the other **Federal Register** notices published by OSHA concerning CSA's recognition, all of which involved an expansion of recognition for additional sites, standards, or programs: a request announced on December 10, 1993 (58 FR 64973) and granted on February 4, 1994 (59 FR 5446); a request announced on March 3, 1994 (59 FR 10173) and granted on August 9, 1994 (59 FR 40602); a request announced on December 8, 1994 (59 FR 63383) and granted on March 24, 1995 (60 FR

15595); and a request announced on July 12, 1996 (61 FR 36763) and granted on November 20, 1996 (61 FR 59110). The renewal will incorporate all recognitions granted to CSA through the date of publication of this preliminary finding.

The current address of the CSA testing facilities already recognized by OSHA are:

Canadian Standards Association,  
Etobicoke (Toronto), 178 Rexdale  
Boulevard, Etobicoke, Ontario, M9W  
1R3

CSA International, Pointe-Claire  
(Montreal), 865 Ellingham Street,  
Pointe-Claire, Quebec H9R 5E8

CSA International, Richmond  
(Vancouver), 13799 Commerce  
Parkway, Richmond, British Columbia  
V6V 2N9

CSA International, Edmonton, 1707-  
94th Street, Edmonton, Alberta T6N  
1E6

CSA International, Cleveland, 8501 East  
Pleasant Valley Road, Cleveland, Ohio  
44131 (formerly part of the American  
Gas Association)

CSA International, Irvine, 2805 Barranca  
Parkway, Irvine, California 92606  
(formerly part of the American Gas  
Association)

#### General Background on the Applicant and Applications

CSA originated in 1919 as the Canadian Engineering Standards Association (CESA), which was changed in 1944 to the present name. In 1940, CSA began to test and certify products. CSA received its recognition as an NRTL on December 24, 1992 (see 57 FR 61452), for a period of five years ending December 24, 1997. Appendix A to 29 CFR 1910.7 stipulates that the period of recognition of an NRTL is five years and that an NRTL may renew its recognition by applying not less than nine months, nor more than one year, before the expiration date of its current recognition. CSA submitted its renewal request on March 20, 1997 (see Exhibit 26A), within the time allotted, and CSA retains its recognition pending OSHA's final decision in this renewal process.

In July 1997, CSA acquired testing facilities that OSHA had recognized for the American Gas Association on June 7, 1990 (55 FR 23312). Although OSHA was generally aware that CSA had made the acquisition, CSA did not officially inform OSHA until March 1999 as to how it wanted to treat these sites within its NRTL operations. The NRTL Program staff had withheld action on CSA's renewal request until it received this information.

CSA has submitted a request, dated June 16, 1999 (see Exhibit 26B), to

expand its recognition as an NRTL to include 195 additional test standards. The NRTL Program staff has determined that 51 of the 195 standards are not "appropriate test standards," within the meaning of 29 CFR 1910.7(c). The staff makes such determinations in processing expansion requests from any NRTL. Therefore, OSHA would approve 144 test standards for the expansion, which are listed below in the section on expansion.

#### Renewal of NRTL Recognition

CSA seeks renewal of its recognition for the six sites that OSHA has previously recognized. The renewal of each of these sites is limited to performing testing to the test standards for which OSHA has recognized CSA, and for which the site has the proper capability and control programs. The renewal will allow CSA to maintain its current operation as an NRTL.

CSA also seeks renewal of its recognition for testing and certification of products to demonstrate compliance to the following 416 test standards, which OSHA has previously recognized for CSA. All these standards are "appropriate," within the meaning of 29 CFR 1910.7(c). However, some of the test standards for which OSHA currently recognizes CSA were no longer appropriate at the time of preparation of this preliminary notice, primarily because they have been withdrawn by the standards developing organization. As appropriate, OSHA has eliminated or replaced these test standards in the list shown below.

OSHA recognition of any NRTL for a particular test standard is limited to equipment or materials (i.e., products) for which OSHA standards require third party testing and certification before use in the workplace. As a result, the Agency's recognition of an NRTL for a test standard excludes any product(s), falling within the scope of the test standard, for which OSHA has no such requirements.

ANSI A17.5 Elevators and Escalator Electrical Equipment  
ANSI C37.20.1 Metal-Enclosed Low-Voltage Power Circuit-Breaker Switchgear <sup>(1)</sup>  
ANSI C37.20.2 Metal-Clad and Station-Type Cubicle Switchgear <sup>(1)</sup>  
ANSI C37.20.3 Metal-Enclosed Interrupter Switchgear <sup>(1)</sup>  
ANSI C37.21 Control Switchboards <sup>(1)</sup>  
ANSI C37.23 Metal Enclosed Bus and Calculating Losses in Isolated-Place Bus <sup>(1)</sup>  
ANSI C37.41 Design Tests for High-Voltage Fuses, Distribution Enclosed Single Pole Air Switches, Fuse

Disconnecting Switches and Accessories <sup>(1)</sup>  
ANSI C37.46 Specifications for Power Fuses and Fuse Disconnecting Switches <sup>(1)</sup>  
ANSI C37.54 Indoor Alternating-Current High Voltage Circuit Breakers Applied as Removable Elements in Metal-Enclosed Switchgear Assemblies—Conformance Test Procedures <sup>(1)</sup>  
ANSI C37.55 Metal-Clad Switchgear Assemblies—Conformance Test Procedures <sup>(1)</sup>  
ANSI C37.57 Metal-Enclosed Interrupter Switchgear Assemblies—Conformance Testing <sup>(1)</sup>  
ANSI C37.58 Indoor AC Medium-Voltage Switches for Use in Metal-Enclosed Switchgear—Conformance Testing Procedures <sup>(1)</sup>  
ANSI C37.121 Unit Substations—Requirements <sup>(1)</sup>  
ANSI C62.11 Metal Oxide Surge Arresters for AC Power Circuits <sup>(1)</sup>  
ANSI Z21.1 Household Cooking Gas Appliances  
ANSI Z21.5.2 Gas Clothes Dryers, Type 2, Volume II  
ANSI Z21.10.3 Gas Water Heaters, Volume III Storage, With Input Ratings Above 75,000 Btu Per Hour, Circulating and Instantaneous Water Heaters  
ANSI Z21.12 Draft Hoods  
ANSI Z21.13 Gas-Fired Low-Pressure Steam and Hot Water Heating Boilers  
ANSI Z21.15 Manually Operated Gas Valves  
ANSI Z21.17 Domestic Gas Conversion Burners  
ANSI Z21.18 Gas Appliance Pressure Regulators  
ANSI Z21.20 Automatic Gas Ignition Systems and Components  
ANSI Z21.21 Automatic Valves for Gas Appliances  
ANSI Z21.22 Relief Valves and Automatic Gas Shutoff Devices for Hot Water Supply Systems  
ANSI Z21.23 Gas Appliance Thermostats  
ANSI Z21.35 Gas Filters on Appliances  
ANSI Z21.40.1 Gas-Fired Absorption Summer Air Conditioning Appliances  
ANSI Z21.47 Gas-Fired Central Furnaces  
ANSI Z21.48 Gas-Fired Gravity and Fan Type Floor Furnaces  
ANSI Z21.49 Gas-Fired Gravity and Fan Type Vented Wall Furnaces  
ANSI Z21.56 Gas-Fired Pool Heaters  
ANSI Z21.61 Gas-Fired Toilets  
ANSI Z21.66 Automatic Vent Damper Devices for Use With Gas-Fired Appliances Electrically Operated  
ANSI Z21.73 Portable Camp Lanterns for Use With Propane Gas

ANSI Z83.3 Gas Utilization Equipment in Large Boilers  
ANSI Z83.4 Direct Gas-Fired Make-Up Air Heaters  
ANSI Z83.6 Gas-Fired Infrared Heaters  
ANSI Z83.7 Gas-Fired Construction Heaters  
ANSI Z83.8 Gas Unit Heaters  
ANSI Z83.11 Gas Food Service Equipment—Ranges and Unit broilers  
UL 1 Flexible Metal Conduit  
UL 3 Flexible Nonmetallic Tubing for Electric Wiring  
UL 4 Armored Cable  
UL 5 Surface Metal Raceways and Fittings  
UL 6 Rigid Metal Conduit  
UL 13 Power-Limited Circuit Cables  
UL 20 General-Use Snap Switches  
UL 22 Electric Amusement Machines  
UL 44 Rubber-Insulated Wires and Cables  
UL 45 Portable Electric Tools  
UL 48 Electric Signs  
UL 50 Electrical Cabinets and Boxes  
UL 51 Power-Operated Pumps for Anhydrous Ammonia and LP-Gas  
UL 62 Flexible Cord and Fixture Wire  
UL 65 Electric Wired Cabinets  
UL 67 Electric Panelboards  
UL 69 Electric Fence Controllers  
UL 73 Electric-Motor-Operated Appliances  
UL 79 Power-Operated Pumps for Petroleum Product Dispensing Systems  
UL 82 Electric Gardening Appliances  
UL 83 Thermoplastic-Insulated Wires and Cables  
UL 87 Power-Operated Dispensing Devices for Petroleum Products  
UL 94 Tests for Flammability of Plastic Materials for Parts in Devices and Appliances  
UL 98 Enclosed and Dead-Front Switches  
UL 104 Elevator Door Locking Devices  
UL 122 Electric Photographic Equipment  
UL 125 Valves for Anhydrous Ammonia and LP-Gas (Other Than Safety Relief)  
UL 130 Electric Heating Pads  
UL 132 Safety Relief Valves for Anhydrous Ammonia and LP-Gas  
UL 141 Garment Finishing Appliances  
UL 144 Pressure Regulating Valves for LP-Gas  
UL 147 LP- and MPS-Gas Torches  
UL 150 Antenna Rotators  
UL 153 Portable Electric Lamps  
UL 174 Household Electric Storage-Tank Water Heaters  
UL 183 Manufactures Wiring Systems  
UL 187 X-Ray Equipment  
UL 197 Commercial Electric Cooking Appliances  
UL 198B Class H Fuses  
UL 198C High-Interrupting-Capacity Fuses, Current Limiting Type



- UL 198D High-Interrupting-Capacity Class K Fuses
- UL 198E Class R Fuses
- UL 198F Plug Fuses
- UL 198G Fuse for Supplementary Overcurrent Protection
- UL 198H Class T Fuses
- UL 198L DC Fuses for Industrial Use
- UL 198M Mine-Duty Fuses
- UL 207 Nonelectrical Refrigerant Containing Components and Accessories
- UL 209 Cellular Metal Floor Electrical Raceways and Fittings
- UL 224 Extruded Insulating Tubing
- UL 228 Door Closers-Holders, and Integral Smoke Detectors
- UL 231 Electrical Power Outlets
- UL 244A Solid-State Controls for Appliances
- UL 250 Household Refrigerators and Freezers
- UL 291 Automated Teller Systems
- UL 294 Access Control System Units
- UL 296 Oil Burners
- UL 298 Portable Electric Hand Lamps
- UL 310 Electrical Quick-Connect Terminals
- UL 325 Door, Drapery, Gate, Louver and Window Operators and Systems
- UL 343 Pumps of Oil-Burning Appliances
- UL 347 High-Voltage Industrial Control Equipment
- UL 351 Electrical Rosettes
- UL 353 Limit Controls
- UL 355 Electric Cord Reels
- UL 360 Liquid Tight Flexible Steel Conduit
- UL 372 Primary Safety Controls for Gas- and Oil-Fired Appliances
- UL 378 Draft Equipment
- UL 391 Solid-Fuel and Combination-Fuel Control and Supplementary Furnaces
- UL 399 Drinking-Water Coolers
- UL 412 Refrigeration Unit Coolers
- UL 414 Electrical Meter Sockets
- UL 416 Refrigerated Medical Equipment
- UL 427 Refrigerating Units
- UL 429 Electrically Operated Valves
- UL 430 Electric Waste Disposers
- UL 444 Communications Cables
- UL 448 Pumps for Fire Protection Service
- UL 452 Antenna Discharge Units
- UL 464 Audible Signal Appliances
- UL 466 Electric Scales
- UL 467 Electrical Grounding and Bonding Equipment
- UL 469 Musical Instruments and Accessories
- UL 471 Commercial Refrigerators and Freezers
- UL 474 Dehumidifiers
- UL 482 Portable Sun/Heat Lamps
- UL 484 Room Air Conditioners
- UL 486A Wire Connectors and Soldering Lugs for Use With Copper Conductors
- UL 486B Wire Connectors for Use With Aluminum Conductors
- UL 486C Splicing Wire Connectors
- UL 486D Insulated Wire Connectors for Use With Underground Conductors
- UL 486E Equipment Wiring Terminals for Use With Aluminum and/or Copper Conductors
- UL 489 Molded-Case Circuit Breakers and Circuit-Breaker Enclosures
- UL 493 Thermoplastic-Insulated Underground Feeder and Branch-Circuit Cables
- UL 495 Power-Operated Dispensing Devices for LP-Gas
- UL 496 Edison-Base Lampholders
- UL 497 Protectors for Communication Circuits
- UL 497A Secondary Protectors for Communication Circuits
- UL 497B Protectors for Data Communication and Fire Alarm Circuits
- UL 498 Attachment Plugs and Receptacles
- UL 499 Electric Heating Appliances
- UL 506 Specialty Transformers
- UL 507 Electric Fans
- UL 508 Electric Industrial Control Equipment
- UL 508C Power Conversion Equipment
- UL 510 Insulating Tape
- UL 511 Porcelain Electrical Cleats, Knobs, and Tubes
- UL 512 Fuseholders
- UL 514A Metallic Outlet Boxes, Electrical
- UL 514B Fittings for Conduit and Outlet Boxes
- UL 514C Nonmetallic Outlet Boxes, Flush-Device Boxes and Covers
- UL 541 Refrigerated Vending Machines
- UL 542 Lampholders, Starters, and Starter Holders for Fluorescent Lamps
- UL 544 Electric Medical and Dental Equipment
- UL 551 Transformer-Type Arc-Welding Machines
- UL 561 Floor Finishing Machines
- UL 563 Ice Makers
- UL 574 Electric Oil Heater
- UL 603 Power Supplies for Use With Burglar-Alarm Systems
- UL 609 Local Burglar-Alarm Units and Systems
- UL 621 Ice Cream Makers
- UL 632 Electrically Actuated Transmitters
- UL 636 Holdup Alarm Units and Systems
- UL 639 Intrusion-Detection Units
- UL 651 Schedule 40 and 80 Rigid PVC Conduit
- UL 651A Type EB and A Rigid PVC Conduit and HDPE Conduit
- UL 664 Commercial (Class IV) Electric Dry-Cleaning Machines
- UL 674 Electric Motors and Generators for Use in Hazardous (Classified) Locations
- UL 676 Underwater Lighting Fixtures
- UL 680 Emergency Vault Ventilators and Vault Ventilating Parts
- UL 696 Electric Toys
- UL 697 Toy Transformers
- UL 698 Industrial Control Equipment for Use in Hazardous (Classified) Locations
- UL 705 Power Ventilators
- UL 710 Grease Extractors for Exhaust Ducts
- UL 719 Nonmetallic Sheathed Cables
- UL 726 Oil-Fired Boiler Assemblies
- UL 727 Oil-Fired Central Furnaces
- UL 729 Oil-Fired Floor Furnaces
- UL 730 Oil-Fired Wall Furnaces
- UL 731 Oil-Fired Unit Heaters
- UL 732 Oil-Fired Water Heaters
- UL 733 Oil-Fired Air Heaters and Direct-Fired Heaters
- UL 746A Polymeric Materials—Short Term Property Evaluations
- UL 746B Polymeric Materials—Long Term Property Evaluations
- UL 746C Polymeric Materials—Use in Electrical Equipment Evaluations
- UL 746E Polymeric Materials—Industrial Laminates, Filament Wound Tubing, Vulcanized Fibre and Materials Used in Printed Wiring Boards
- UL 749 Household Dishwashers
- UL 751 Vending Machines
- UL 756 Coin and Currency Changers and Actuators
- UL 763 Motor-Operated Commercial Food Preparing Machines
- UL 773 Plug-In Locking-Type Photocontrols for Use With Area Lighting
- UL 773A Nonindustrial Photoelectric Switches for Lighting Control
- UL 775 Graphic Arts Equipment
- UL 778 Motor-Operated Water Pumps
- UL 781 Portable Electric Lighting Units for Use in Hazardous (Classified) Locations
- UL 783 Electric Flashlights and Lanterns for Use in Hazardous Locations, Class I, Groups C and D
- UL 795 Commercial-Industrial Gas-Heating Equipment
- UL 796 Printed-Wiring Boards
- UL 797 Electrical Metallic Tubing
- UL 810 Capacitors
- UL 813 Commercial Audio Equipment
- UL 814 Gas-Tube-Sign and Ignition Cable
- UL 817 Cord Sets and Power-Supply Cords
- UL 823 Electric Heaters for Use in Hazardous (Classified) Locations
- UL 826 Household Electric Clocks
- UL 834 Heating, Water Supply, and Power Boilers—Electric
- UL 842 Valves for Flammable Fluids



- UL 844 Electric Lighting Fixtures for Use in Hazardous (Classified) Locations
- UL 845 Electric Motor Control Centers
- UL 858 Household Electric Ranges
- UL 858A Safety-Related Solid-State Controls for Electric Ranges
- UL 864 Service Entrance Cable
- UL 857 Electric Busways and Associated Fittings
- UL 858 Household Electric Ranges
- UL 858A Safety-Related Solid-State Controls for Electric Ranges
- UL 859 Personal Grooming Appliance
- UL 863 Electric Time-Indicating and -Recording Appliances
- UL 867 Electrostatic Air Cleaners
- UL 869A Reference Standard for Service Equipment
- UL 870 Wireways, Auxiliary Gutters, and Associated Fittings
- UL 873 Electrical Temperature-Indicating and -Regulating Equipment
- UL 875 Electric Dry Bath Heaters
- UL 877 Circuit Breakers and Circuit-Breaker Enclosure for Use in Hazardous (Classified) Locations
- UL 879 Electrode Receptacles for Gas-Tube Signs
- UL 884 Underfloor Electrical Raceways and Fittings
- UL 886 Electrical Outlet Boxes and Fittings for Use in Hazardous (Classified) Locations
- UL 891 Dead-Front Electrical Switchboards
- UL 894 Switches for Use in Hazardous (Classified) Locations
- UL 896 Oil-Burning Stoves
- UL 910 Test Method for Fire and Smoke Characteristics of Electrical and Optical-Fiber Cables
- UL 913 Intrinsically Safe Apparatus and Associated Apparatus for Use in Class I, III and III, Division I, Hazardous (Classified) Locations
- UL 916 Energy Management Equipment
- UL 917 Clock-Operated Switches
- UL 921 Commercial Electric Dishwashers
- UL 923 Microwave Cooking Appliances
- UL 924 Emergency Lighting and Power Equipment
- UL 935 Fluorescent Lamp Ballasts
- UL 943 Ground-Fault Circuit Interrupters
- UL 961 Hobby and Sports Equipment
- UL 964 Electrically Heating Bedding
- UL 969 Marking and Labeling Systems
- UL 977 Fused Power-Circuit Devices
- UL 982 Motor-Operated Food Preparing Machines
- UL 983 Surveillance Cameras
- UL 984 Hermetic Refrigerant Motor-Compressors
- UL 987 Stationary and Fixed Electric Tools
- UL 991 Tests for Safety-Related Controls Employing Solid-State Devices
- UL 998 Humidifiers
- UL 1002 Electrically Operated Valve for Use in Hazardous (Classified) Locations
- UL 1004 Electric Motors
- UL 1005 Electric Flatirons
- UL 1008 Automatic-Transfer Switches
- UL 1010 Receptacle-Plug Combinations for Use in Hazardous (Classified) Locations
- UL 1012 Power Supplies
- UL 1017 Electric Vacuum Cleaning Machines and Blower Cleaners
- UL 1018 Electric Aquarium Equipment
- UL 1020 Thermal Cutoffs for Use in Electrical Appliances and Components
- UL 1022 Line Isolated Monitors
- UL 1026 Electric Household Cooking and Food-Serving Appliances
- UL 1028 Electric Hair-Clipping and -Shaving Appliances
- UL 1029 High-Intensity Discharge Lamp Ballasts
- UL 1030 Sheathed Heater Elements
- UL 1037 Antitheft Alarms and Devices
- UL 1042 Electric Baseboard Heating Equipment
- UL 1047 Isolated Power Systems Equipment
- UL 1053 Ground-Fault Sensing and Relaying Equipment
- UL 1054 Special-Use Switches
- UL 1059 Terminal Blocks
- UL 1063 Machine-Tool Wires and Cables
- UL 1066 Low-Voltage AC and DC power Circuit Breakers Used in Enclosures
- UL 1069 Hospital Signaling and Nurse Call Equipment
- UL 1072 Medium Voltage Power Cables
- UL 1076 Proprietary Burglar-Alarm Units and Systems
- UL 1077 Supplementary Protectors for Use in Electrical Equipment
- UL 1081 Electric Swimming Pool Pumps, Filters and Chlorinators
- UL 1082 Household Electric Coffee Makers and Brewing-Type Appliances
- UL 1083 Household Electric Skillets and Frying-Type Appliances
- UL 1086 Household Trash Compactors
- UL 1087 Molded-Case Switches
- UL 1088 Temporary Lighting Strings
- UL 1090 Electric Snow Movers
- UL 1097 Double Insulation Systems for Use in Electrical Equipment
- UL 1203 Explosion-Proof and Dust-Ignition-Proof Electrical Equipment for Use in Hazardous (Classified) Locations
- UL 1206 Electric Commercial Clothes-Washing Equipment
- UL 1207 Sewage Pumps for Use in Hazardous (Classified) Locations
- UL 1230 Amateur Movie Lights
- UL 1236 Electric Battery Chargers
- UL 1238 Control Equipment for Use With Flammable Liquid Dispensing Devices
- UL 1240 Electric Commercial Clothes-Drying Equipment
- UL 1241 Junction Boxes for Swimming Pool Lighting Fixtures
- UL 1242 Intermediate Metal Conduit
- UL 1244 Electrical and Electronic Measuring and Testing Equipment
- UL 1261 Electric Water Heaters for Pools and Tubs
- UL 1262 Laboratory Equipment
- UL 1270 Radio Receivers, Audio Systems, and Accessories
- UL 1277 Electrical Power and Control Tray Cables With Optional Optical-Fiber Members
- UL 1278 Movable and Wall—or Ceiling-Hung Electric Room
- UL 1283 Electromagnetic-Interference Filter
- UL 1286 Office Furnishings
- UL 1310 Direct Plug-In Transformer Units
- UL 1313 Nonmetallic Safety Cans for Petroleum Products
- UL 1323 Scaffold Hoists
- UL 1409 Low-Voltage Video Products Without Cathode-Ray-Tube Displays
- UL 1410 Television Receivers and High-Voltage Video Products
- UL 1411 Transformers and Motor Transformers for Use In Audio-, Radio-, and Television-Type Appliances
- UL 1412 Fusing Resistors and Temperature-Limited Resistors for Radio-, and Television-Type Appliances
- UL 1413 High-Voltage Components for Television-Type Appliances
- UL 1414 Across-the-Line, Antenna-Coupling, and Line-by-Pass Capacitors for Radio- and Television-Type Appliances
- UL 1416 Overcurrent and Overtemperature Protectors for Radio- and Television-Type Appliances
- UL 1417 Special Fuses for Radio- and Television-Type Appliances
- UL 1418 Implosion-Protected Cathode-Ray Tubes for Television-Type Appliances
- UL 1419 Professional Video and Audio Equipment
- UL 1424 Cables for Power-Limited Fire-Protective-Signaling Circuits
- UL 1429 Pullout Switches
- UL 1433 Control Centers for Changing Message Type Electric Signs
- UL 1436 Outlet Circuit Testers and Similar Indicating Devices
- UL 1437 Electrical Analog Instruments, Panelboard Types
- UL 1441 Coated Electrical Sleeving
- UL 1446 Electric Water Bed Heaters

- UL 1447 Electric Lawn Mowers
  - UL 1448 Electric Hedge Trimmers
  - UL 1449 Transient Voltage Surge Suppressors
  - UL 1453 Electric Booster and Commercial Storage Tank Water Heaters
  - UL 1459 Telephone Equipment
  - UL 1484 Residential Gas Detectors
  - UL 1492 Audio and Video Equipment
  - UL 1557 Electrically Isolated Semiconductor Devices
  - UL 1558 Metal Enclosed Low-Voltage Power Circuit Breaker Switchgear
  - UL 1559 Insect-Control Equipment, Electrocutation type
  - UL 1561 Large General Purpose Transformers
  - UL 1562 Transformers, Distribution, Dry Type—Over 600 Volts
  - UL 1564 Industrial Battery Chargers
  - UL 1565 Wire Positioning Devices
  - UL 1567 Receptacles and Switches Intended for Use With Aluminum Wire
  - UL 1569 Metal-Clad Cables
  - UL 1570 Fluorescent Lighting Fixtures
  - UL 1571 Incandescent Lighting Fixtures
  - UL 1572 High Intensity Discharge Lighting Fixtures
  - UL 1573 Stage and Studio Lighting Units
  - UL 1574 Track Lighting Systems
  - UL 1577 Optical Isolators
  - UL 1581 Reference Standard for Electrical Wires, Cables, and Flexible Cords
  - UL 1585 Class 2 and Class 3 Transformers
  - UL 1594 Sewing and Cutting Machines
  - UL 1604 Electrical Equipment for Use in Class I and II, Division 2 and Class III Hazardous (Classified) Locations
  - UL 1610 Central-Station Burglar-Alarm Units
  - UL 1635 Digital Burglar Alarm Communicator System Units
  - UL 1638 Visual Signaling Appliances
  - UL 1647 Motor-Operated Massage and Exercise Machines
  - UL 1651 Optical Fiber Cable
  - UL 1660 Liquid-Tight Flexible Nonmetallic Conduit
  - UL 1662 Electric Chain Saws
  - UL 1666 Standard Test for Flame Propagation Height of Electrical and Optical-Fiber Cables Installed Vertically in Shafts
  - UL 1676 Discharge Path Resistors
  - UL 1681 Wiring Device Configurations
  - UL 1690 Data-Processing Cable
  - UL 1727 Commercial Electric Personal Grooming Appliances
  - UL 1773 Termination Boxes
  - UL 1776 High-Pressure Cleaning Machines
  - UL 1778 Uninterruptible Power Supply Equipment
  - UL 1786 Nightlights
  - UL 1795 Hydromassage Bathtubs
  - UL 1812 Ducted Heat Recovery Ventilators
  - UL 1815 Nonducted Heat Recovery Ventilators
  - UL 1863 Communication Circuit Accessories
  - UL 1876 Isolating Signal and Feedback Transformers for Use in Electronic Equipment
  - UL 1917 Solid-State Fan Speed Controls
  - UL 1950 Information Technology Equipment Including Electrical Business Equipment
  - UL 1951 Electric Plumbing Accessories
  - UL 1963 Refrigerant Recovery/Recycling Equipment
  - UL 1993 Self-Ballasted Lamps and Lamp Adapters
  - UL 1995 Heating and Cooling Equipment
  - UL 1996 Duct Heaters
  - UL 2044 Commercial Closed Circuit Television Equipment
  - UL 2083 Halon 1301 Recovery/Recycling Equipment
  - UL 2097 Reference Standard for Double Insulation Systems for Use in Electronic Equipment
  - UL 2601-1 Medical Electrical Equipment
  - UL 3101-1 Electrical Equipment for Laboratory Use; Part 1: General Requirements
  - UL 3111-1 Electrical Measuring and Test Equipment; Part 1: General Requirements
  - UL 6500 Audio/Visual and Musical Instrument Apparatus for Household, Commercial, and Similar General Use
  - UL 8730-1 Electrical Controls for Household and Similar Use; Part 1: General Requirements
- (1) These standards are approved for equipment or materials intended for use in commercial and industrial power system applications. These standards are not approved for equipment or materials intended for use in installations that are excluded by the provisions of Subpart S in 29 CFR part 1910, in particular § 1910.302(a)(2).
- Note:** Testing and certification of gas operated equipment is limited to equipment for use with “liquefied petroleum gas” (“LPG” or “LP-Gas”).
- Footnote “(1)” has been added for clarification and for consistency with similar standards that are included for the expansion request.
- The designations and titles of the above test standards were current at the time of the preparation of this notice. Many of the Underwriters Laboratories (UL) test standards listed in this notice are approved as American National

Standards by the American National Standards Institute (ANSI). However, for convenience in compiling the lists, we use the designation of the standard developing organization (e.g., UL 22) for the standard, as opposed to the ANSI designation (e.g., ANSI/UL 22). Under our procedures, an NRTL recognized for an ANSI approved test standard may use either the latest proprietary version of the test standard or the latest ANSI version of that standard, regardless of whether it is currently recognized for the proprietary or ANSI version. Contact ANSI or the ANSI web site to find out whether or not a standard is currently ANSI approved.

#### *Programs and Procedures*

CSA seeks continued use of the following supplemental programs and procedures, based upon the criteria detailed in the March 9, 1995 **Federal Register** notice (60 FR 12980, 3/9/95). This notice lists nine (9) programs and procedures (collectively, programs), eight of which an NRTL may use to control and audit, but not actually to generate, the data relied upon for product certification. An NRTL's initial recognition will always include the first or basic program, which requires that all product testing and evaluation be performed in-house by the NRTL that will certify the product. OSHA has already recognized CSA for these programs.

*Program 2:* Acceptance of testing data from independent organizations, other than NRTLs.

*Program 3:* Acceptance of product evaluations from independent organizations, other than NRTLs.

*Program 4:* Acceptance of witnessed testing data.

*Program 5:* Acceptance of testing data from non-independent organizations.

*Program 6:* Acceptance of evaluation data from non-independent organizations (requiring NRTL review prior to marketing).

*Program 7:* Acceptance of continued certification following minor modifications by the client.

*Program 8:* Acceptance of product evaluations from organizations that function as part of the International Electrotechnical Commission Certification Body (IEC-CB) Scheme.

*Program 9:* Acceptance of services other than testing or evaluation performed by subcontractors or agents.

OSHA developed the program descriptions to limit how an NRTL may perform certain aspects of its work and to permit the activities covered under a program only when the NRTL meets certain criteria. In this sense, they are special conditions that the Agency

places on an NRTL's recognition. OSHA does not consider these programs in determining whether an NRTL meets the requirements for recognition under 29 CFR 1910.7. However, OSHA does treat these programs as one of the three elements that defines an NRTL's scope of recognition.

#### Expansion of NRTL Recognition

CSA seeks recognition for testing and certification of products to demonstrate compliance with the following 144 test standards, and OSHA has determined the standards are appropriate, as prescribed by 29 CFR 1910.7(c). OSHA recognition of any NRTL for a particular test standard is limited to equipment or materials (i.e., products) for which OSHA standards require third party testing and certification before use in the workplace. As a result, the Agency's recognition of an NRTL for a test standard excludes any product(s), falling within the scope of the test standard, for which OSHA has no such requirements.

ANSI C37.09 Standard Test Procedure for AC High-Voltage Circuit Breakers Rated on a Symmetrical Current Basis (1)

ANSI C37.013 AC High-Voltage Generator Circuit Breakers Rated on a Symmetrical (1)

ANSI C37.13 Low-Voltage AC Power Circuit Breakers Used In Enclosures (1)

ANSI C37.14 Low-Voltage DC Power Circuit Breakers Used in Enclosures (1)

ANSI C37.17 Trip Devices for AC and General Purpose DC Low-Voltage Power Circuit Breakers (1)

ANSI C37.18-1979 Enclosed Field Discharge Circuit Breakers for Rotating Electric Machinery (1)

ANSI C37.29-1981 Low-Voltage AC Power Circuit Protectors Used in Enclosures (1)

ANSI C37.45 Distribution Enclosed Single-Pole Air Switches (1)

ANSI C37.47-1981 Specifications for Distribution Fuse Disconnecting Switches, Fuse Supports, and Current-Limiting Fuses (1)

ANSI C37.50 Low-Voltage AC Power Circuit Breakers Used in Enclosures—Test Procedures (1)

ANSI C37.51 Metal-Enclosed Low-Voltage AC Power Circuit-Breaker Switchgear Assemblies—Conformance Test Procedures (1)

ANSI C37.52 Low-Voltage AC Power Circuit Protectors Used in Enclosures—Test Procedures (1)

ANSI C37.53.1 High-Voltage Current Motor-Starter Fuses—Conformance Test Procedures (1)

ANSI C37.66 Oil-Filled Capacitor Switches for Alternating-Current Systems—Requirements (1)

ANSI C37.71 Three Phase, Manually Operated Subsurface Load Interrupting Switches for Alternating-Current Systems (1)

ANSI C57.13 Requirements for Instrument Transformers (1)

ANSI C57.13.2 Instrument Transformers—Conformance Test Procedures (1)

ANSI S82.02.01 Electric and Electronic Test, Measuring, Controlling, and Related Equipment: General Requirement

ANSI/NEMA 250 Enclosures for Electrical Equipment

ANSI Z21.5.1 Gas Clothes Dryers—Type 1

ANSI Z21.10.1 Gas Water Heaters—Automatic Storage Type Water Heaters with Inputs of 70,000 Btu Per Hour or Less

ANSI Z21.24 Metal Connectors for Gas Appliances

ANSI Z21.40.2-1996 Gas-Fired, Work Activated Air-Conditioning and Heat Pump Appliances (Internal Combustion)

ANSI Z21.41 Quick-Disconnect Devices for Use with Gas Fuel

ANSI Z21.50 Vented Decorative Gas Appliances

ANSI Z21.60 Decorative Gas Appliances for Installation in Vented Fireplaces

ANSI Z21.69 Connectors for Movable Gas Appliances

ANSI Z83.17 Direct Gas Fired Door Heaters

ANSI Z83.18 Direct Gas-Fired Industrial Air Heaters

FMRC 3600 Electrical Equipment for Use in Hazardous (Classified)

Locations, General Requirements

FMRC 3610 Intrinsically Safe Apparatus and Associated Apparatus for Use in Class I, II and III, Division 1 Hazardous (Classified) Locations

FMRC 3611 Electrical Equipment for Use in Class I, Division 2; Class II, Division 2; and Class III, Division 1 and 2 Hazardous Locations

FMRC 3615 Explosion proof Electrical Equipment, General Requirements

FMRC 3620 Purged and Pressurized Electrical Equipment for Hazardous (Classified) Locations

FMRC 6310 Combustible Gas Detectors

UL 5A Nonmetallic Surface Raceways and Fittings

UL 5B Strut-Type Channel Raceways and Fittings

UL 96 Lightning Protection Components

UL 201 Garage Equipment

UL 218 Fire Pump Controllers

UL 234 Low Voltage Lighting Fixtures for Use in Recreational Vehicles

UL 248-1 Low-Voltage Fuses—Part 1: General Requirements

UL 248-2 Low-Voltage Fuses—Part 2: Class C Fuses

UL 248-3 Low-Voltage Fuses—Part 3: Class CA and CB Fuses

UL 248-4 Low-Voltage Fuses—Part 4: Class CC Fuses

UL 248-5 Low-Voltage Fuses—Part 5: Class G Fuses

UL 248-6 Low-Voltage Fuses—Part 6: Class H Non-Renewable Fuses

UL 248-7 Low-Voltage Fuses—Part 7: Class H Renewable Fuses

UL 248-8 Low-Voltage Fuses—Part 8: Class J Fuses

UL 248-9 Low-Voltage Fuses—Part 9: Class K Fuses

UL 248-10 Low-Voltage Fuses—Part 10: Class L Fuses

UL 248-11 Low-Voltage Fuses—Part 11: Plug Fuses

UL 248-12 Low-Voltage Fuses—Part 12: Class R Fuses

UL 248-13 Low-Voltage Fuses—Part 13: Semiconductor Fuses

UL 248-14 Low-Voltage Fuses—Part 14: Supplemental Fuses

UL 248-15 Low-Voltage Fuses—Part 15: Class T Fuses

UL 248-16 Low-Voltage Fuses—Part 16: Test Limiters

UL 252 Compressed Gas Regulators

UL 296A Waste Oil-Burning Air-Heating Appliances

UL 307A Liquid Fuel-Burning Heating Appliances for Manufactured Homes and Recreational Vehicles

UL 331 Strainers for Flammable Fluids and Anhydrous Ammonia

UL 363 Knife Switches

UL 365 Police Station Connected Burglar Alarm Units and Systems

UL 441 Gas Vents

UL 497C Protectors for Coaxial Communications Circuits

UL 536 Flexible Metallic Hose

UL 567 Pipe Connectors for Flammable and Combustible Liquids and LP-Gas

UL 569 Pigtailed and Flexible Hoses

UL 588 Christmas-Tree and Decorative-Lighting Outfits

UL 634 Connectors and Switches for Use with Burglar-Alarm Systems

UL 651B Continuous Length High Density Polyethylene Conduit

UL 745-1 Portable Electric Tools

UL 745-2-1 Particular Requirements of Drills

UL 745-2-2 Particular Requirements for Screwdrivers and Impact Wrenches

UL 745-2-3 Particular Requirements for Grinders, Polishers, and Disk-Type Sanders

UL 745-2-4 Particular Requirements for Sanders

UL 745-2-5 Particular Requirements for Circular Saws and Circular Knives

- UL 745-2-6 Particular Requirements for Hammers
- UL 745-2-8 Particular Requirements for Shears and Nibblers
- UL 745-2-9 Particular Requirements for Tappers
- UL 745-2-11 Particular Requirements for Reciprocating Saws
- UL 745-2-12 Particular Requirements for Concrete Vibrators
- UL 745-2-14 Particular Requirements for Planers
- UL 745-2-17 Particular Requirements for Routers and Trimmers
- UL 745-2-30 Particular Requirements for Staplers
- UL 745-2-31 Particular Requirements for Diamond Core Drills
- UL 745-2-32 Particular Requirements for Magnetic Drill Presses
- UL 745-2-33 Particular Requirements for Portable Bandsaws
- UL 745-2-34 Particular Requirements for Strapping Tools
- UL 745-2-35 Particular Requirements for Drain Cleaners
- UL 745-2-36 Particular Requirements for Hand Motor Tools
- UL 745-2-37 Particular Requirements for Plate Jointers
- UL 854 Service Entrance Cable
- UL 963 Sealing, Wrapping, and Marking Equipment
- UL 1248 Engine-Generator Assemblies for Use in Recreational Vehicles
- UL 1363 Temporary Power Taps
- UL 1425 Cables for Non-Power-Limited Fire-Alarm Circuits
- UL 1431 Personal Hygiene and Health Care Appliances
- UL 1434 Thermistor-Type Devices
- UL 1472 Solid-State Dimming Controls
- UL 1482 Solid-Fuel Room Type Heaters
- UL 1637 Home Health Care Signaling Equipment
- UL 1640 Portable Power Distribution Units
- UL 1653 Electrical Nonmetallic Tubing
- UL 1664 Immersion-Detection Circuit-Interrupters
- UL 1682 Plugs, Receptacles, and Cable Connectors, of the Pin and Sleeve Type
- UL 1684 Reinforced Thermosetting Resin Conduit
- UL 1699 Arc-Fault Circuit-Interrupters
- UL 1703 Flat Plate Photo Voltaic Modules and Panels
- UL 1711 Amplifiers for Fire Protective Signaling Systems
- UL 1740 Industrial Robots and Robotic Equipment
- UL 1741 Static Inverters and Charge Controllers for use in Photovoltaic Power Systems
- UL 1838 Low Voltage Landscape Lighting Systems
- UL 1889 Commercial Filters for Cooking Oil
- UL 1994 Low-Level Path Marking and Lighting Systems
- UL 2021 Fixed and Location-Dedicated Electric Room Heaters
- UL 2024 Optical Fiber Cable Raceway
- UL 2034 Single and Multiple Station Carbon Monoxide Detectors
- UL 2089 Vehicle Battery Adapters
- UL 2111 Overheating Protection for Motors
- UL 2125 Vehicle Battery Adapters
- UL 2157 Electric Clothes Washing Machines and Extractors
- UL 2158 Electric Clothes Dryers
- UL 2161 Neon Transformers and Power Supplies
- UL 2200 Stationary Engine Generator Assemblies
- UL 2225 Metal-Clad Cables and Cable-Sealing Fittings for Use in Hazardous (Classified) Locations
- UL 2250 Instrumentation Tray Cable
- UL 3101-2-20 Electrical Equipment for Laboratory Use; Part 2: Laboratory Centrifuges Electrical Equipment for Laboratory Use; Part 1: General Requirements
- UL 3121-1 Process Control Equipment
- UL 60335-1 Safety of Household and Similar Electrical Appliances, Part 1; General Requirements
- UL 60335-2-34 Household and Similar Electrical Appliances, Part 2; Particular Requirements for Motor-Compressors
- UL 60730-2-10 Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Electrically-Operated Motor Starting Relays
- UL 60730-2-11 Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Energy Regulators
- UL 60730-2-12 Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Electrically-Operated Doors
- UL 60730-2-13 Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Humidity Sensing Controls
- UL 60730-2-16 Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Automatic Electrical Water Level-Operating Controls of the Float Type for Household and Similar Applications
- UL 61058-1 Switch for Appliances
- UL 8730-2-3 Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Thermal Motor Protectors for Ballasts for Tubular Fluorescent Lamps
- UL 8730-2-4 Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Thermal Motor Protectors for Motor Compressors or Hermetic and Semi-Hermetic Type
- UL 8730-2-6 Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Automatic Electrical Pressure Sensing Controls Including Mechanical Requirements
- UL 8730-2-7 Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Timers and Time Switches
- UL 8730-2-8 Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Electrically Operated Water Valves
- UL 8730-2-9 Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Temperature Sensing Controls
- UL 8730-2-14 Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Electric Actuators

<sup>(1)</sup> These standards are approved for equipment or materials intended for use in commercial and industrial power system applications. These standards are not approved for equipment or materials intended for use in installations that are excluded by the provisions of Subpart S in 29 CFR part 1910, in particular Section 1910.302(a)(2).

**Note:** Testing and certification of gas operated equipment is limited to equipment for use with "liquefied petroleum gas" ("LPG" or "LP-Gas").

### Preliminary Finding

CSA has submitted acceptable requests for renewal and expansion of its recognition as an NRTL. In processing these requests, OSHA has performed an on-site review (evaluation) of CSA's facilities. CSA has addressed the discrepancies noted by the assessor following the review, and the assessor has included the resolution in the on-site review report (see Exhibit 27).

Following a review of the application file, the on-site review report, and other pertinent information, the NRTL Program staff has concluded that OSHA can grant to CSA: (1) The renewal for the 6 sites and the test standards and programs listed above, and (2) the expansion for the additional 144 test standards. The staff therefore recommended to the Assistant Secretary that the applications be preliminarily approved.

Based upon the recommendation of the staff, the Assistant Secretary has made a preliminary finding that the Canadian Standards Association can meet the requirements as prescribed by

expansion of recognition. This preliminary finding does not constitute an interim or temporary approval of the applications for CSA.

OSHA welcomes public comments, in sufficient detail, as to whether CSA has met the requirements of 29 CFR 1910.7 for the renewal and expansion of its recognition as a Nationally Recognized Testing Laboratory. Your comment should consist of pertinent written documents and exhibits. To consider it, OSHA must receive the comment at the address provided above (see

**ADDRESSES**), no later than the last date for comments (see **DATES** above). Should you need more time to comment, OSHA must receive your written request for extension at the address provided above (also see **ADDRESSES**) no later than the last date for comments (also see **DATES** above). You must include your reason(s) for any request for extension. OSHA will limit an extension to 30 days, unless the requester justifies a longer period. We may deny a request for extension if it is frivolous or otherwise unwarranted. You may obtain or review copies of CSA's requests, the on-site review report, and all submitted comments, as received, by contacting the Docket Office, Room N2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address. You should refer to Docket No. NRTL-2-92, the permanent record of public information on CSA's recognition.

The NRTL Program staff will review all timely comments and, after resolution of issues raised by these comments, will recommend whether to grant CSA's renewal and expansion requests. The Assistant Secretary will make the final decision on granting the renewal and expansion, and in making this decision, may undertake other proceedings that are prescribed in Appendix A to 29 CFR 1910.7. OSHA will publish a public notice of this final decision in the **Federal Register**.

Signed at Washington, D.C. this 2d day of March, 2001.

**R. Davis Layne,**

*Acting Assistant Secretary.*

[FR Doc. 01-6564 Filed 3-15-01; 8:45 am]

**BILLING CODE 4510-26-P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. NRTL-2-93]

#### Entela, Inc., Application for Renewal of Recognition

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice.

**SUMMARY:** This notice announces the application of Entela, Inc., for renewal of its recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7, and presents the Agency's preliminary finding. This preliminary finding does not constitute an interim or temporary approval of this application.

**DATES:** Comments submitted by interested parties, or any request for extension of the time to comment, must be received no later than April 2, 2001.

**ADDRESSES:** Submit written comments concerning this notice to: Docket Office, Docket NRTL-2-93, U.S. Department of Labor, Occupational Safety and Health Administration, Room N2625, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693-2350. Commenters may transmit written comments of 10 pages or less in length by facsimile to (202) 693-1648. Submit request for extensions concerning this notice to: Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3653, 200 Constitution Avenue, NW., Washington, DC 20210.

**FOR FURTHER INFORMATION CONTACT:** Bernard Pasquet, Office of Technical Programs and Coordination Activities, NRTL Program, Room N3653 at the above address, or phone (202) 693-2110.

#### SUPPLEMENTARY INFORMATION:

##### Notice of Application

The Occupational Safety and Health Administration (OSHA) hereby gives notice that Entela, Inc. (ENT), has applied for renewal of its current recognition as a Nationally Recognized Testing Laboratory (NRTL). ENT requests renewal for its existing scope of recognition.

OSHA recognition of an NRTL signifies that the organization has met the legal requirements in § 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7). Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products

covered within its scope of recognition, and is not a delegation or grant of government authority. As a result of recognition, OSHA can accept products "properly certified" by the NRTL. OSHA processes applications related to an NRTL's recognition following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish this public notice of the preliminary finding on an application.

The most recent notices published by OSHA for ENT's recognition covered an expansion of recognition for additional test standards, which OSHA announced on November 10, 1998 (63 FR 63084), and granted on March 9, 1999 (64 FR 11501). The following is a chronology of the other **Federal Register** notices published by OSHA concerning Entela's recognition, all of which involved an expansion of recognition for additional sites, standards, or programs: a request announced on February 21, 1997 (62 FR 8041), and granted on May 22, 1997 (62 FR 28066); and a request announced on April 17, 1998 (63 FR 19275), and granted on July 10, 1998 (63 FR 37416). OSHA also published a correction of recognition on July 13, 1999 (64 FR 37815).

The current addresses of the testing facilities (sites) that OSHA recognizes for ENT are:

Entela, Inc., 3033 Madison, S.E., Grand Rapids, Michigan 49548  
Entela Taiwan Laboratories, 3F No. 260 262 Wen, Lin North Road, Pei Tou, Taipei, Taiwan.

#### General Background on the Applicant and the Application

Entela, Inc., was originally founded in 1974 as a Michigan Corporation specializing in structural steel inspection. In 1981, equipment and personnel were added to initiate an in-house materials laboratory. This was followed by a formation of certification programs within Entela, Inc. The original company was founded as Entel Engineering Services.

Entela received its recognition as an NRTL on July 26, 1994 (59 FR 37997), for a period of five years ending July 26, 1999. Appendix A to 29 CFR 1910.7 stipulates that the period of recognition of an NRTL is five years and that an NRTL may renew its recognition by applying not less than nine months, nor more than one year, before the expiration date of its current recognition. Entela submitted a request to renew its recognition on, August 10, 1998 (see Exhibit 15), within the time allotted, and retains its recognition pending OSHA's final decision in this renewal process.

ENT's request covers only renewal of its existing scope of recognition, which includes the facilities listed above, and 148 test standards and 8 supplemental programs.

#### Test Standards

ENT seeks renewal of its recognition for testing and certification of products to demonstrate compliance to the following 148 test standards, all of which OSHA has determined are appropriate, within the meaning of 29 CFR 1910.7(c). OSHA's recognition of ENT, or any NRTL, for a particular test standard is limited to equipment or materials (i.e., products) for which OSHA standards require third party testing and certification before use in the workplace. As a result, OSHA's recognition of an NRTL for a test standard excludes any product(s), falling within the scope of the test standard, for which OSHA has no such requirements.

UL 22 Amusement and Gaming Machines  
 UL 45 Portable Electric Tools  
 UL 48 Electric Signs  
 UL 50 Electric Cabinets and Boxes  
 UL 67 Electric Panelboards  
 UL 73 Motor-Operated Appliances  
 UL 82 Electric Gardening Appliances  
 UL 94\* Tests for Flammability of Plastic Materials for Parts in Devices and Appliances  
 UL 98 Enclosed and Dead-Front Switches  
 UL 122 Photographic Equipment  
 UL 130 Electric Heating Pads  
 UL 141 Garment Finishing Appliances  
 UL 153 Portable Electric Lamps  
 UL 174 Household Electric Storage-Tank Water Heaters  
 UL 187 X-Ray Equipment  
 UL 197 Commercial Electric Cooking Appliances  
 UL 213 Rubber Gasketed Fittings for Fire Protection Service  
 UL 244A Solid State Controls for Appliances  
 UL 250 Household Refrigerators and Freezers  
 UL 298 Portable Electric Hand Lamps  
 UL 325 Door, Drapery, Louver, and Window Operators and Systems  
 UL 353 Limit Controls  
 UL 355 Cord Reels  
 UL 429 Electrically Operated Valves  
 UL 467 Grounding and Bonding Equipment  
 UL 469 Musical Instruments and Accessories  
 UL 471 Commercial Refrigerators and Freezers  
 UL 482 Portable Sun/Heat Lamps  
 UL 484 Room Air Conditioners  
 UL 496 Edison-Base Lampholders  
 UL 499 Electric Heating Appliances

UL 506 Specialty Transformers  
 UL 507 Electric Fans  
 UL 508\*\* Electric Industrial Control Equipment  
 UL 541 Refrigerated Vending Machines  
 UL 542 Lampholders, Starters, and Starter Holders for Fluorescent Lamps  
 UL 544 Electric Medical and Dental Equipment  
 UL 563 Ice Makers  
 UL 609 Local Burglar-Alarm Units and Systems  
 UL 696 Electric Toys  
 UL 745-1 Portable Electric Tools  
 UL 745-2-1 Drills  
 UL 745-2-2 Screwdrivers and Impact Wrenches  
 UL 745-2-3 Grinders, Polishers and Disk-type Sanders  
 UL 745-2-4 Sanders  
 UL 745-2-5 Circular Saws and Circular Knives  
 UL 745-2-6 Hammers  
 UL 745-2-8 Shears and Nibblers  
 UL 745-2-9 Tappers  
 UL 745-2-11 Reciprocating Saws  
 UL 745-2-12 Concrete Vibrators  
 UL 745-2-14 Planers  
 UL 745-2-17 Routers and Trimmers  
 UL 745-2-30 Staplers  
 UL 745-2-31 Diamond Core Drills  
 UL 745-2-32 Magnetic Drill Press  
 UL 745-2-33 Portable Bandsaws  
 UL 745-2-34 Strapping Tools  
 UL 745-2-35 Drain Cleaners  
 UL 745-2-36 Hand Motor Tools  
 UL 745-2-37 Plate Joiners  
 UL 749 Household Dishwashers  
 UL 751 Vending Machines  
 UL 756 Coin and Currency Changers and Actuators  
 UL 763 Motor Operated Commercial Food Preparing Machines  
 UL 778 Motor-Operated Water Pumps  
 UL 796 Printed-Wiring Boards  
 UL 813 Commercial Audio Equipment  
 UL 817 Cord Sets & Power-Supply Cords  
 UL 826 Household Electric Clocks  
 UL 858 Household Electric Ranges  
 UL 859 Household Electric Personal Grooming Appliances  
 UL 863 Time-Indicating and Recording Appliance  
 UL 867 Electrostatic Air Cleaners  
 UL 869A Reference Standard for Service Equipment  
 UL 873 Temperature-Indicating and Regulating Equipment  
 UL 916 Energy Management Equipment  
 UL 917 Clock Operated Switches  
 UL 921 Commercial Electric Dishwashers  
 UL 923 Microwave Cooking Appliances  
 UL 924 Emergency Lighting and Power Equipment

UL 935 Fluorescent-Lamp Ballasts  
 UL 961 Electric Hobby and Sports Equipment  
 UL 969 Marking and Labeling Systems  
 UL 982 Motor Operated Household Food Preparing Machines  
 UL 984 Hermetic Refrigerant Motor-Compressors  
 UL 987 Stationary and Fixed Electric Tools  
 UL 998 Humidifiers  
 UL 1004\*\*\* Electric Motors  
 UL 1005 Electric Flatirons  
 UL 1008 Transfer Switch Equipment  
 UL 1012 Power Units Other Than Class 2  
 UL 1018 Electric Aquarium Equipment  
 UL 1026 Electric Household Cooking and Food-Serving Equipment  
 UL 1028 Hair Clipping and Shaving Appliances  
 UL 1029 High-Intensity Discharge Lamp Ballasts  
 UL 1042 Electric Baseboard Heating Equipment  
 UL 1069 Hospital Signaling and Nurse-Call System  
 UL 1082 Household Electric Coffee Makers and Brewing-Type Appliances  
 UL 1083 Household Electric Skillets and Frying Type Appliances  
 UL 1086 Household Trash Compactors  
 UL 1088 Temporary Lighting Strings  
 UL 1206 Electric Commercial Clothes Washing Machines  
 UL 1230 Amateur Movie Lights  
 UL 1236 Battery Chargers for Charging Engine-Starter Batteries  
 UL 1244 Electrical and Electronic Measuring and Testing Equipment  
 UL 1261 Electric Water Heaters for Pools and Tubs  
 UL 1262 Laboratory Equipment  
 UL 1270 Radio Receivers, Audio Systems, and Accessories  
 UL 1286 Office Furnishings  
 UL 1310 Class 2 Power Units  
 UL 1410 Television Receivers and High-Voltage Video Products  
 UL 1418 Cathode-Ray Tubes  
 UL 1431 Personal Hygiene and Health Care Appliances  
 UL 1433 Control Centers for Changing Message Type Electric Signs  
 UL 1445 Electric Water Bed Heaters  
 UL 1447 Electric Lawn Mowers  
 UL 1448 Electric Hedge Trimmers  
 UL 1459 Telephone Equipment  
 UL 1472 Solid-State Dimming Controls  
 UL 1492 Audio-Video Products & Accessories  
 UL 1564 Industrial Battery Chargers  
 UL 1570 Fluorescent Lighting Fixtures  
 UL 1571 Incandescent Lighting Fixtures  
 UL 1572 High Intensity Discharge Lighting Fixtures  
 UL 1573 Stage and Studio Lighting Units

- UL 1574 Track Lighting Systems
- UL 1585 Class 2 and Class 3 Transformers
- UL 1594 Sewing and Cutting Machines
- UL 1638 Visual Signaling Appliances
- UL 1647 Motor-Operated Massage and Exercise Machines
- UL 1727 Commercial Electric Personal Grooming Appliances
- UL 1786 Nightlights
- UL 1838 Low Voltage Landscape Lighting Systems
- UL 1950 Information Technology Equipment Including Electrical Business Equipment
- UL 1993 Self-Ballasted Lamps and Lamp Adapters
- UL 2044 Commercial Closed Circuit Television Equipment
- UL 2157 Electric Clothes Washing Machines and Extractors
- UL 2161 Neon Transformers and Power Supplies
- UL 2601-1 Medical Electrical Equipment, Part 1: General Requirements for Safety
- UL 3044 Surveillance Closed Circuit Television Equipment
- UL 3101-1 Electric Equipment for Laboratory Use, Part 1, General
- UL 3111-1 Electrical Measuring and Test Equipment, Part 1: General
- UL 6500 Audio/Video and Musical Instrument Apparatus for Household, Commercial, and Similar General Use
- UL 8730-1 Electrical Controls for Household and Similar Use; Part 1: General Requirements
- UL 8730-2-3 Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Thermal Motor Protectors for Ballasts for Tubular Fluorescent Lamps
- UL 8730-2-4 Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Thermal Motor Protectors for Motor Compressors or Hermetic and Semi-Hermetic Type
- UL 8730-2-8 Automatic Electrical Controls for Household and Similar Use; Part 2: Particular Requirements for Electrically Operated Water Valves

\* Exclusive of radiant panel testing.

\*\* Limited to equipment of no greater than 500 amperes.

\*\*\* Limited to motors rated no greater than one-half horsepower.

**Note:** Testing and certification of gas operated equipment is limited to equipment for use with "liquefied petroleum gas" ("LPG" or "LP-Gas").

The designations and titles of the above test standards were current at the time of the preparation of this notice.

Many of the Underwriters Laboratories (UL) test standards listed above are approved as American

National Standards by the American National Standards Institute (ANSI). However, for convenience in compiling the list, we show the designation of the standards developing organization (e.g., UL 22) for the standard, as opposed to the ANSI designation (e.g., ANSI/UL 22). Under our procedures, an NRTL recognized for an ANSI approved test standard may use either the latest proprietary version of the test standard or the latest ANSI version of that standard, regardless of whether it is currently recognized for the proprietary or ANSI version. Contact ANSI or the ANSI web site to find out whether or not a standard is currently ANSI approved.

#### *Programs and Procedures*

ENT's renewal also covers use of the supplemental programs listed below, based upon the criteria detailed in the March 9, 1995 **Federal Register** notice (60 FR 12980, 3/9/95). This notice lists nine (9) programs and procedures (collectively, programs), eight of which (called supplemental programs) an NRTL may use to control and audit, but not actually to generate, the data relied upon for product certification. An NRTL's initial recognition will always include the first or basic program, which requires that all product testing and evaluation be performed in-house by the NRTL that will certify the product. OSHA previously granted ENT recognition to use these programs, which are listed in OSHA's informational web page on the ENT recognition.

Program 2: Acceptance of testing data from independent organizations, other than NRTLs.

Program 3: Acceptance of product evaluations from independent organizations, other than NRTLs.

Program 4: Acceptance of witnessed testing data.

Program 5: Acceptance of testing data from non-independent organizations.

Program 6: Acceptance of evaluation data from non-independent organizations (requiring NRTL review prior to marketing).

Program 7: Acceptance of continued certification following minor modifications by the client.

Program 8: Acceptance of product evaluations from organizations that function as part of the International Electrotechnical Commission Certification Body (IEC-CB) Scheme.

Program 9: Acceptance of services other than testing or evaluation performed by subcontractors or agents.

OSHA developed the program descriptions to limit how an NRTL may perform certain aspects of its work and

to accept the activities covered under a program only when the NRTL meets certain criteria. In this sense, they are special conditions that the Agency places on an NRTL's recognition. OSHA does not consider these programs in determining whether an NRTL meets the requirements for recognition under 29 CFR 1910.7. However, OSHA does treat these programs as one of the three elements that defines an NRTL's scope of recognition.

#### **Limitations on the Recognition**

The following limitations currently apply to the recognition of the Taiwan facility, and would continue to apply for the renewal:

a. The Taiwan facility shall be limited to carrying out minor mechanical and electrical testing of instruments and small appliances.

b. Performance of inspections shall be limited to Entela personnel.

#### **Preliminary Finding on the Application**

ENT has submitted an acceptable request for renewal of its recognition as an NRTL. While processing this request, OSHA performed on-site reviews (audits) of ENT's NRTL testing facilities. Entela has addressed the discrepancies noted by the auditors following the review. NRTL Program assessment staff reviewed information from these reviews and, in a memo dated October 6, 2000 (see Exhibit 20), recommended the renewal of ENT's recognition.

Following a review of the application file, the assessor's memo, and other pertinent documents, the NRTL Program staff has concluded that OSHA can grant to ENT the renewal of its recognition as an NRTL to use the facilities, test standards, and programs listed above. The staff therefore recommended to the Assistant Secretary that the application be preliminarily approved.

Based upon the recommendation of the staff, the Assistant Secretary has made a preliminary finding that Entela, Inc., can meet the recognition requirements as prescribed by 29 CFR 1910.7 for the renewal of its recognition. This preliminary finding does not constitute an interim or temporary approval of the application for Entela.

OSHA welcomes public comments, in sufficient detail, as to whether ENT has met the requirements of 29 CFR 1910.7 for renewal of its recognition as a Nationally Recognized Testing Laboratory. Your comment should consist of pertinent written documents and exhibits. To consider it, OSHA must receive the comment at the address provided above (see **ADDRESSES**) no later than the last date for comments (see **DATES** above). Should you need more



time to comment, OSHA must receive your written request for extension at the address provided above (also see **ADDRESSES**) no later than the last date for comments (also see **DATES** above). You must include your reason(s) for any request for extension. OSHA will limit an extension to 30 days, unless the requester justifies a longer period. We may deny a request for extension if it is frivolous or otherwise unwarranted. You may obtain or review copies of ENT's requests, the memo on the recommendation, and all submitted comments, as received, by contacting the Docket Office, Room N2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address. You should refer to Docket No. NRTL-2-93, the permanent record of public information on ENT's recognition.

The NRTL Program staff will review all timely comments and, after resolution of issues raised by these comments, will recommend whether to grant ENT's application for renewal of recognition. The Assistant Secretary will make the final decision on granting the renewal and, in making this decision, may undertake other proceedings that are prescribed in Appendix A to 29 CFR 1910.7. OSHA will publish a public notice of this final decision in the **Federal Register**.

Signed at Washington, DC, this 2nd day of March, 2001.

**R. Davis Layne,**

*Acting Assistant Secretary.*

[FR Doc. 01-6563 Filed 3-15-01; 8:45 am]

**BILLING CODE 4510-26-P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. NRTL-1-01]

#### TUV Product Services GmbH, Application for Recognition

**AGENCY:** Occupational Safety and Health Administration (OSHA); Labor.

**ACTION:** Notice.

**SUMMARY:** This notice announces the application of TUV Product Services GmbH for recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7, and presents the Agency's preliminary finding. This preliminary finding does not constitute an interim or temporary approval of this application.

**DATES:** Comments submitted by interested parties, or any request for extension of the time to comment, must be received no later than April 16, 2001.

**ADDRESSES:** Submit written comments concerning this notice to: Docket Office, Docket NRTL-1-01, U.S. Department of Labor, Occupational Safety and Health Administration, Room N2625, 200 Constitution Avenue, NW, Washington, DC 20210; telephone: (202) 693-2350. Commenters may transmit written comments of 10 pages or less in length by facsimile to (202) 693-1648. Submit request for extensions concerning this notice to: Office of Technical Programs and Coordination Activities, NRTL Program, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3653, 200 Constitution Avenue, NW, Washington, DC 20210.

**FOR FURTHER INFORMATION CONTACT:** Bernard Pasquet, Office of Technical Programs and Coordination Activities, NRTL Program, Room N3653 at the above address, or phone (202) 693-2110.

#### SUPPLEMENTARY INFORMATION:

##### Notice of Application

The Occupational Safety and Health Administration (OSHA) hereby gives notice that TUV Product Services GmbH (TUVPSG) has applied for recognition as a Nationally Recognized Testing Laboratory (NRTL) for testing and certification of the equipment or materials and using the site, listed below. TUVPSG has also requested recognition to use certain supplemental programs.

OSHA recognition of an NRTL signifies that the organization has met the legal requirements in § 1910.7 of Title 29, Code of Federal Regulations (29 CFR part 1910.7). Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, OSHA can accept products "properly certified" by the NRTL. OSHA processes applications related to an NRTL's recognition following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the Agency publish this public notice of the preliminary finding on an application.

The current address of the laboratory covered by this application is: TUV Product Services GmbH, Ridlerstrasse 65, D-80339, Munich, Germany.

##### Background

According to the application, TUV Product Services GmbH (TUVPSG) is a limited liability company founded under German law in 1988. TUVPSG states that it is an "international organization for testing, evaluation, and

certification of products and management systems." Also, the applicant states that it traces its origins to German steam boiler inspection associations formed as early as 1866 "to protect workers against injury and to prevent damage to industrial installations." TUVPSG owns and operates a number of laboratories in Germany and in many other countries, including the U.S. However, the recognition would only apply to the one location listed above.

The regulations for the NRTL Program in 29 CFR 1910.7 allow any testing organization, whether or not it is US-based, to apply to OSHA for recognition as an NRTL. However, in determining eligibility for a foreign-based testing organization, such as TUVPSG, the regulations require OSHA to take into consideration reciprocal treatment by the foreign government of certain US-based testing agencies. Germany is part of the European Union (EU), and the US and the EU have signed a Mutual Recognition Agreement (MRA) on conformity assessment, which went into effect in May 1999. The MRA includes provisions for the reciprocal treatment of US-based testing agencies by governments of countries that are part of the EU. As a result of the MRA, reciprocity is assumed for all countries in the EU, and OSHA does not have to go through a country-by-country determination. The MRA does not change any of the requirements or processes that OSHA follows under its NRTL Program. For more information on the MRA, refer to the U.S. Department of Commerce web site.

In the application, TUVPSG states that it is owned by TUV Suddeutschland and TUV Nord, both based in Germany. However, recently TUV Suddeutschland (TUVS) became sole owner of TUVPSG. Organizationally, the applicant falls within the "Product Division" of TUVS, one of its three main divisions. TUVS in general provides testing and other technical services in a number of areas throughout the world.

TUVPSG submitted an application for recognition, dated August 21, 1998 (see Exhibit 2-1). OSHA received this application from the European Commission (EC) on March 1, 1999, along with applications from other organizations located in the EU. The EC submitted the applications under the provisions of the Electrical Safety Annex of the MRA. However, none of these applications contained sufficient information for processing, and OSHA returned them to the Commission in April 1999 to obtain the additional information.



The Commission resubmitted the application for TUVPSG to OSHA, which the Agency received on March 3, 2000 (see Exhibit 2-2). This application includes the substantive portion originally submitted and is therefore dated August 21, 1998. In the application, TUVPSG requested recognition for four test standards, originally specifying international test standards but, to meet OSHA requirements, later specifying the equivalent US test standards. Some of the documents in the application needed translation, which were received on June 5, 2000. In response to requests from OSHA for clarification and additional information, TUVPSG supplemented its application in submissions dated August 11 and August 28, 2000 (see Exhibits 2-3 and 2-4). It also supplemented its application in a submission dated November 8, 2000 (see Exhibit 2-5), which included a request for recognition of 34 additional test standards, bringing the total standards requested for recognition to 38.

Some documents in the submissions, and parts of the original application, have been designated as "confidential" by the applicant. Generally, the applicant maintains the 4 levels of operational documentation mentioned in international quality standards. It generally considers its level 3 and 4 documents to be confidential or privileged. OSHA has evaluated the applicant's designations and believes the documents in question could be withheld from disclosure under Exemption 4 of the Freedom of Information Act (FOIA). As a result, OSHA has not included these documents in the public docket for the application, which we further describe later in this notice.

Staff of the NRTL Program performed an on-site review (assessment) of the Munich, Germany, facility on September 18-22, 2000. In the on-site review report (see Exhibit 3), the program staff recommended a "positive finding."

Regarding the merits of the application, the applicant has presented detailed documentation that describes how it currently performs its testing and certification activities. The policies, procedures, work instructions, methods, and other practices described in this documentation would be used in its operations as an NRTL. Where appropriate, it has supplemented or modified the policies and procedures to conform to OSHA's requirements for an NRTL under 29 CFR 1910.7.

TUVPSG currently performs a large range of product testing and

certification activities, primarily testing to European based testing standards, such as EN and IEC standards. For example, it currently performs testing required under EN 60950, and has provisions for addressing national deviations adopted by various countries, including those for the US. One of the test standards for which it requests recognition is UL 1950, which is equivalent to EN60950 but includes the US deviations. TUVPSG performs its testing and certification activities primarily to assure compliance of products to requirements under directives issued within the European Union. However, it has also performed testing to US based test standards, such as UL 1950. As part of its current certification activities, it conducts initial and follow-up inspections at manufacturers' facilities, one facet of the activities that NRTLs recognized by OSHA must perform. It also authorizes the use of certification marks, another aspect of the work that NRTLs must perform. However, the marks it authorizes are primarily necessary for the European marketplace. For purposes of its certification under OSHA's NRTL Program, TUVPSG will utilize a US registered certification owned by its subsidiary in the US.

The four recognition requirements of 29 CFR 1910.7 are presented below, along with an explanation illustrating how TUVPSG has met or plans to meet each of these requirements.

#### **Capability**

Section 1910.7(b)(1) states that for each specified item of equipment or material to be listed, labeled or accepted, the laboratory must have the capability (including proper testing equipment and facilities, trained staff, written testing procedures, and calibration and quality control programs) to perform appropriate testing.

The application and on-site review report indicates that TUVPSG has adequate testing equipment and an adequate facility to perform the tests required under the test standards for which it seeks recognition. Security measures are in place to restrict or control access to their facility, and procedures exist for handling test samples. The report also indicates that testing and processing procedures are in place, and the application describes the program for the development of new testing procedures. The applicant submitted 24 specific test methods that it currently uses and would utilize for its proposed NRTL testing activities. For some of the test standards, it will develop testing report formats prior to

performing testing and certification of products under the specific standard.

It utilizes outside calibration sources and also has procedures for and performs internal calibrations of certain equipment. The application indicates that TUVPSG maintains records on testing equipment, which include information on repair, routine maintenance, and calibrations. The application and on-site review report address personnel qualifications and training, and identify the applicant's staff involved with product testing, along with a summary of their education and experience. Also, the report indicates that TUVPSG personnel have adequate technical knowledge for the work they perform. Moreover, the review report describes the applicant's quality assurance program, which is explained in more detail in TUVPSG's Quality Manual. Finally, the applicant performs internal system and internal technical audits of its operations on a regular basis.

#### **Control Procedures**

Section 1910.7(b)(2) requires that the NRTL provide certain controls and services, to the extent necessary, for the particular equipment or material to be listed, labeled, or accepted. They include control procedures for identifying the listed or labeled equipment or materials, inspections of production runs at factories to assure conformance with test standards, and field inspections to monitor and assure the proper use of identifying marks or labels.

The applicant has procedures and related documentation for initially qualifying a manufacturer and for performing the required follow-up inspections at a manufacturer's facility. In its procedures, it identifies criteria it will use to determine the frequency with which it will perform these follow-up factory inspections. It has adopted the criteria detailed in OSHA policies for NRTLs, which specify that NRTLs perform no fewer than four (4) inspections per year at certain facilities and no fewer than two (2) inspections per year under certain conditions. The factory inspections would be one part of the activities that the applicant will utilize in controlling its certification mark. In its application, TUVPSG included evidence of the application by its American subsidiary for registration of a TUV certification mark with the U.S. Patent and Trademark Office (USPTO).

The applicant has procedures for control and issuance of product certifications. According to the review report, it has issued in excess of 25,000

certifications under its procedures that control product certification. The applicant maintains a detailed database of the product certifications, which would serve as its listing record. The report also states that the applicant has experience in authorizing and controlling the use of a certification mark, following many of the procedures and methods it uses for control of its certification certificates. For purposes of OSHA's NRTL Program, control by the NRTL of its certification mark is uppermost in importance. TUVPSG's control of a US registered certification mark under the NRTL Program will be a new activity for the applicant, and OSHA proposes to include a condition related to this control.

### Independence

Section 1910.7(b)(3) requires that the NRTL be completely independent of employers subject to the tested equipment requirements, and of any manufacturers or vendors of equipment or materials being tested for these purposes.

As previously stated, TUV Suddeutschland (TUVS) is currently the sole owner of TUVPSG. In addition, application and other information reviewed by OSHA has not revealed that TUVPSG has the kinds of relationships described in OSHA policy that would cause the applicant to fail to meet the independence requirement. Based on this information, TUVPSG does not own or control and is not owned or controlled by the kind of entities of concern to OSHA. In addition, information on business activities and subsidiaries of the TUVPSG's parent company has not revealed any apparent conflicts of interest that could adversely influence the applicant's testing and certification activities. TUVPSG has an employment contract that control conflicts of interest.

### Creditable Reports/Complaint Handling

Section 1910.7(b)(4) provides that an NRTL must maintain effective procedures for producing credible findings and reports that are objective and without bias, as well as for handling complaints and disputes under a fair and reasonable system.

The applicant utilizes standardized formats for recording and reporting testing data and inspection data. It has procedures for evaluating and reporting the findings for testing and inspection activities to check conformance to all requirements of a test standard. The applicant included examples of completed inspection forms.

Regarding the handling of complaints and disputes, the applicant's complaint

management procedure provides the framework to handle complaints it receives from its clients or from the public or other interested parties. According to the review report, under one certification system operated by the applicant, it must respond to an initial complaint within 24 hours. OSHA has no such requirements for NRTLs, but the review report indicates that the applicant will utilize its current form of system controls and documentation to handle complaints stemming from its NRTL certification activities.

### Standards

TUVPSG seeks recognition for testing and certification of products to determine compliance with the following 38 test standards, and OSHA has determined the standards are "appropriate," within the meaning of 29 CFR 1910.7(c). OSHA recognition of any NRTL for a particular test standard is limited to equipment or materials (i.e., products) for which OSHA standards require third party testing and certification before use in the workplace. As a result, the Agency's recognition of an NRTL for a test standard excludes any product(s), falling within the scope of the test standard, for which OSHA has no such requirements.

UL 82 Electric Gardening Appliances  
 UL 122 Photographic Equipment  
 UL 507 Electric Fans  
 UL 508 Industrial Control Equipment  
 UL 561 Floor Finishing Machines  
 UL 745-1 Portable Electric Tools  
 UL 745-2-1 Particular Requirements of Drills  
 UL 745-2-2 Particular Requirements for Screwdrivers and Impact Wrenches  
 UL 745-2-3 Particular Requirements for Grinders, Polishers, and Disk-Type Sanders  
 UL 745-2-4 Particular Requirements for Sanders  
 UL 745-2-5 Particular Requirements for Circular Saws and Circular Knives  
 UL 745-2-6 Particular Requirements for Hammers  
 UL 745-2-8 Particular Requirements for Shears and Nibblers  
 UL 745-2-9 Particular Requirements for Tappers  
 UL 745-2-11 Particular Requirements for Reciprocating Saws  
 UL 745-2-12 Particular Requirements for Concrete Vibrators  
 UL 745-2-14 Particular Requirements for Planers  
 UL 745-2-17 Particular Requirements for Routers and Trimmers  
 UL 745-2-30 Particular Requirements for Staplers  
 UL 745-2-31 Particular Requirements for Diamond Core Drills

UL 745-2-32 Particular Requirements for Magnetic Drill Presses  
 UL 745-2-33 Particular Requirements for Portable Bandsaws  
 UL 745-2-34 Particular Requirements for Strapping Tools  
 UL 745-2-35 Particular Requirements for Drain Cleaners  
 UL 745-2-36 Particular Requirements for Hand Motor Tools  
 UL 745-2-37 Particular Requirements for Plate Jointers  
 UL 775 Graphic Arts Equipment  
 UL 778 Motor-Operated Water Pumps  
 UL 987 Stationary and Fixed Electric Tools  
 UL 1017 Vacuum Cleaners, Blower Cleaners, and Household Floor Finishing Machines  
 UL 1419 Professional Video and Audio Equipment  
 UL 1459 Telephone Equipment  
 UL 1585 Class 2 and Class 3 Transformers  
 UL 1776 High-Pressure Cleaning Machines  
 UL 1950 Technology Equipment Including Electrical Business Equipment  
 UL 3101-1 Electrical Equipment for Laboratory Use; Part 1: General Requirements  
 UL 3111-1 Electrical Measuring and Test Equipment, Part 1: General Requirements  
 UL 6500 Audio/Video and Musical Instrument Apparatus for Household, Commercial, and Similar General Use  
 The designations and titles of the above test standards were current at the time of the preparation of this notice. Many of the Underwriters Laboratories (UL) test standards listed above are approved as American National Standards by the American National Standards Institute (ANSI). However, for convenience in compiling the list, we show the designation of the standards developing organization (e.g., UL 22) for the standard, as opposed to the ANSI designation (e.g., ANSI/UL 22). Under our procedures, an NRTL recognized for an ANSI approved test standard may use either the latest proprietary version of the test standard or the latest ANSI version of that standard, regardless of whether it is currently recognized for the proprietary or ANSI version. Contact ANSI or the ANSI web site to find out whether or not a standard is currently ANSI approved.

### Programs and Procedures

TUV Product Services GmbH also seeks to use the supplemental programs listed below, based upon the criteria detailed in the March 9, 1995 **Federal Register** notice (60 FR 12980, 3/9/95).

This notice lists nine (9) programs and procedures (collectively, programs), eight of which (called supplemental programs) an NRTL may use to control and audit, but not actually to generate, the data relied upon for product certification. An NRTL's initial recognition always includes the first or basic program, which requires that all product testing and evaluation be performed in-house by the NRTL that will certify the product. The on-site review report indicates that TUVPSG appears to meet the criteria for use of the following supplemental programs for which it has applied:

Program 2: Acceptance of testing data from independent organizations, other than NRTLs.

Program 3: Acceptance of product evaluations from independent organizations, other than NRTLs.

Program 4: Acceptance of witnessed testing data.

Program 8: Acceptance of product evaluations from organizations that function as part of the International Electrotechnical Commission Certification Body (IEC-CB) Scheme.

Program 9: Acceptance of services other than testing or evaluation performed by subcontractors or agents.

OSHA developed the program descriptions to limit how an NRTL may perform certain aspects of its work and to permit the activities covered under the programs only when the NRTL meets certain criteria. In this sense, they are special conditions that the Agency places on an NRTL's recognition. OSHA does not consider these programs in determining whether an NRTL meets the requirements for recognition under 29 CFR 1910.7. However, OSHA does treat these programs as one of the three elements that defines an NRTL's scope of recognition.

TUVPSG also sought recognition for the three remaining supplemental programs, but OSHA is not granting recognition for these programs at this time. Under these programs, an NRTL may use manufacturer's data in performing the testing and evaluation activities required for a test standard. However, as noted in the review report, the manufacturers for which TUVPSG performs testing could lack sufficient familiarity with testing to the US deviations. As stated in the report, TUVPSG may reapply for the 3 programs "in a few years when (the) manufacturers have participated in the witness testing program" and it is familiar with their "testing capability and confidence in their ability to test to US deviations, with respect to products destined for the US marketplace."

### Conditions

As already indicated, TUVPSG plans to utilize the proprietary US registered mark of its US subsidiary in certifying products as an NRTL. This is a new undertaking for the applicant and although it has procedures for controlling a certification mark, it still needs to further develop and refine the detailed procedures it will use to control this particular mark. As a result, OSHA would conditionally recognize TUVPSG subject to an assessment of the detailed procedures and practices for controlling this mark once they are in place.

The US registered mark is the only one that OSHA would recognize for TUVPSG. In addition, only the site listed in this notice will be able to authorize use of this mark. Since this mark is specific to the NRTL Program, the US subsidiary may not authorize its use unless it were to be recognized as an NRTL. Similarly, none of the other TUVPSG laboratories or locations may authorize the use of this mark. To ensure the applicant and the public understand this fact, OSHA plans to impose a condition to this effect.

As also noted, the applicant has just adopted procedures concerning the criteria for determining the frequency at which it will conduct factory follow-up inspections. Here too it needs more detailed procedures to effectively and properly implement the criteria. OSHA would have to review TUVPSG's approach in implementing the criteria for the twice per year inspections before it begins to conduct inspections at this frequency. As a result, OSHA would conditionally recognize TUVPSG subject to an assessment of the details of this approach once it is in place.

Imposing the proposed conditions is consistent with OSHA's past recognition of certain organizations as NRTLs, which met the basic requirements but needed to further develop or refine their procedures (for example, see 63 FR 68306 12/10/1998; and 65 FR 26637, 05/08/2000). Given the applicant's current breadth of activities in testing and certification, OSHA is confident that TUVPSG would develop and implement procedures and practices to appropriately perform the activities in the areas noted above.

Therefore, OSHA would impose the following conditions in the final notice to officially recognize TUVPSG as an NRTL. These conditions apply solely to TUVPSG's operations as an NRTL and solely to those products that it certifies for purposes of enabling employers to meet OSHA product approval requirements. These conditions would

be in addition to all other conditions that OSHA normally imposes in its recognition of an organization as an NRTL.

1. Within 30 days of certifying its first products under the NRTL Program, TUVPSG will notify the OSHA NRTL Program Director so that OSHA may review TUVPSG's implementation of its procedures for controlling the US registered certification mark of its US subsidiary, TUV Product Services, Inc., based in Danvers, Massachusetts.

2. Only TUV Product Services GmbH (TUVPSG) may authorize the US registered certification mark currently owned by its US subsidiary, TUV Product Services, Inc., based in Danvers, Massachusetts. TUVPSG may authorize the use of this mark only at the facility recognized by OSHA.

3. Prior to conducting inspections of manufacturing facilities based on a frequency of twice per year, OSHA must review and accept the detailed procedures that TUVPSG will utilize to determine when to use this frequency for such inspections.

### Preliminary Finding

TUV Product Services GmbH (TUVPSG) has addressed the requirements that must be met for recognition as an NRTL, as summarized above. In addition, the NRTL Program staff has performed an on-site review of TUVPSG's Munich, Germany, facility and investigated the processes, procedures, practices, and general operations used by the laboratory. Discrepancies noted by the review staff were addressed by TUVPSG following the on-site review, as detailed above, and are included as an integral part of the on-site review report (see Exhibit 3).

Following a review of the complete application file and the on-site review report, the NRTL Program staff has concluded that the applicant can be granted recognition as a Nationally Recognized Testing Laboratory for the Munich, Germany, facility and for the 38 test standards identified above, subject to the conditions described above. The staff therefore recommended to the Assistant Secretary that the application be preliminarily approved.

Based upon the recommendation of the staff, the Assistant Secretary has made a preliminary finding that TUV Product Services GmbH can meet the recognition requirements, as prescribed by 29 CFR 1910.7, for the 38 test standards and the facility noted above, with the conditions to be applied as noted.

OSHA welcomes public comments, in sufficient detail, as to whether TUV Product Services GmbH has met the

requirements of 29 CFR 1910.7 for its recognition as a Nationally Recognized Testing Laboratory. Your comment should consist of pertinent written documents and exhibits. To consider it, OSHA must receive the comment at the address provided above (see **ADDRESSES**) no later than the last date for comments (see **DATES** above). Should you need more time to comment, OSHA must receive your written request for extension at the address provided above (also see **ADDRESSES**) no later than the last date for comments (also see **DATES** above). You must include your reason(s) for any request for extension. OSHA will limit an extension to 30 days, unless the requester justifies a longer period. We may deny a request for extension if it is frivolous or otherwise unwarranted. You may obtain or review copies of TUVPSG's application, the additional submissions, the on-site review report, and all submitted comments, as received, by contacting the Docket Office, Room N2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address. You should refer to Docket No. NRTL-1-01, the permanent record of public information on TUVPSG's recognition application.

The NRTL Program staff will review all timely comments and, after resolution of issues raised by these comments, will recommend whether to grant TUVPSG's application for recognition. The Assistant Secretary will make the final decision on granting the recognition, and in making this decision, may undertake other proceedings that are prescribed in Appendix A to 29 CFR 1910.7. OSHA will publish a public notice of this final decision in the **Federal Register**.

Signed at Washington, DC, this 2d day of March, 2001.

**R. Davis Layne,**

*Acting Assistant Secretary.*

[FR Doc. 01-6565 Filed 3-15-01; 8:45 am]

**BILLING CODE 4510-26-P**

## NATIONAL SCIENCE FOUNDATION

### Notice of Permits Issued Under the Antarctic Conservation Act of 1978

**AGENCY:** National Science Foundation.

**ACTION:** Notice of permits issued under the Antarctic Conservation Act of 1978, Public Law 95-541.

**SUMMARY:** The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

**FOR FURTHER INFORMATION CONTACT:** Nadene G. Kennedy, Permit Office, Office of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

**SUPPLEMENTARY INFORMATION:** On January 31, 2001, the National Science Foundation published notice in the **Federal Register** of a permit application received. The permit was issued on March 12, 2001 to: Daniel P. Costa, Permit No. 2001-025.

**Nadene G. Kennedy,**

*Permit Officer.*

[FR Doc. 01-6574 Filed 3-15-01; 8:45 am]

**BILLING CODE 7555-01-M**

## NATIONAL SCIENCE FOUNDATION

### Advisory Panel for Biomolecular Processes; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Name:* Advisory Panel for Biomolecular Processes—(5138) (Panel A).

*Date/Time:* Thursday and Friday, May 3-4, 2001, 8:30 a.m.-6 p.m.

*Place:* National Science Foundation, 4201 Wilson Blvd., Room 310, Arlington, VA.

*Type of Meeting:* Closed.

*Contact Persons:* Dr. Hector Flores, Program Director, and Dr. Susan Porter Ridley, Associate Program Manager, Division of Molecular and Cellular Biosciences, Room 655-S, 4201 Wilson Boulevard, Arlington, VA 22230. (703/292-8441).

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate research proposals submitted to the Metabolic Biochemistry Program as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 13, 2001.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 01-6590 Filed 3-15-01; 8:45 am]

**BILLING CODE 7555-01-M**

## NATIONAL SCIENCE FOUNDATION

### Advisory Panel for Biomolecular Processes; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-

463, as amended), the National Science Foundation announces the following meeting:

*Name:* Advisory Panel for Biomolecular Processes (5138) (Panel B).

*Date/Time:* April 25-27, 2001, 8:30 a.m. to 5 p.m.

*Place:* National Science Foundation, 4201 Wilson Blvd., Room 310, Arlington, VA.

*Type of Meeting:* Closed.

*Contact Person:* Dr. Joanne Tornow, Program Director or Dr. Susan Porter Ridley, Associate Program Manager for Biochemistry of Gene Expression, Room 655 south, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230. Telephone (703) 292-8441.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate research proposals submitted to the Biochemistry of Gene Expression Program as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including, technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 13, 2001.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 01-6591 Filed 3-15-01; 8:45 am]

**BILLING CODE 7555-01-M**

## NATIONAL SCIENCE FOUNDATION

### Advisory Panel for Biomolecular Structure and Function; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Name:* Advisory Panel for Biomolecular Structure and Function—(1134) (Panel A).

*Date/Time:* Wednesday, Thursday, and Friday, April 18-20, 2001, 8:30 a.m. to 6 p.m.

*Place:* National Science Foundation, 4201 Wilson Blvd., Room 370, Arlington, VA 22230.

*Type of Meeting:* Closed.

*Contact Person:* Drs. Patrick Dennis and Parag Chitnis, Program Directors for Molecular Biochemistry, Room 655-S, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230. (703/292-8443)

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate research proposals submitted to the Molecular Biochemistry Program as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a

proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 13, 2001.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 01-6580 Filed 3-15-01; 8:45 am]

**BILLING CODE 7555-01-M**

## NATIONAL SCIENCE FOUNDATION

### Advisory Panel for Biomolecular Structure and Function; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Name:* Advisory Panel for Biomolecular Structure and Function—(1134) (Panel B).

*Date/Time:* Monday, Tuesday, and Wednesday, April 23-25, 2001, 8:30 a.m. to 6 p.m.

*Place:* National Science Foundation, Room 340, 4201 Wilson Boulevard, Arlington, VA.

*Type of Meeting:* Closed.

*Contact Person:* Drs. Dagmar Ringe and Parag Chitnis, Program Directors, Molecular and Cellular Biosciences, Molecular Biophysics, National Science Foundation, Room 655-S, 4201 Wilson Boulevard, Arlington, VA 22230. (703) 292-8444.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate research proposals submitted to the Molecular Biophysics Program as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b. (c)(4) and (6) of the Government in the Sunshine Act.

Dated: March 13, 2001.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 01-6581 Filed 3-15-01; 8:45 am]

**BILLING CODE 7555-01-M**

## NATIONAL SCIENCE FOUNDATION

### Advisory Panel for Cell Biology; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Name:* Advisory Panel for Cell Biology—(1136) (Panel A).

*Date/Time:* April 18-20, 2001 8:30 a.m. to 6 p.m.

*Place:* National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

*Type of Meeting:* Closed.

*Contact Persons:* Randolph Addison and Michael Mishkind, Program Directors, Cell Biology, National Science Foundation, Room 655, 4201 Wilson Boulevard, Arlington, VA 22230. (703) 292-8442.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate research proposals submitted to the Signal Transduction & Cellular Regulation Program as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: March 13, 2001.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 01-6582 Filed 3-15-01; 8:45 am]

**BILLING CODE 7555-01-M**

## NATIONAL SCIENCE FOUNDATION

### Advisory Panel for Cell Biology; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Name:* Advisory Panel for Cell Biology—(1136) (Panel B).

*Date/Time:* April 25-27, 2001 8:30 a.m. to 6 p.m.

*Place:* National Science Foundation, 4201 Wilson Blvd, Arlington, VA.

*Type of Meeting:* Closed.

*Contact Persons:* Michael Mishkind and Randolph Addison, Program Directors, Cell Biology, National Science Foundation, Room 655, 4201 Wilson Boulevard, Arlington, VA 22230. (703) 292-8442.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate research proposals submitted to the Cellular Organization Program as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b. (c)(4) and (6) of the Government in the Sunshine Act.

Dated: March 13, 2001.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 01-6583 Filed 3-15-01; 8:45 am]

**BILLING CODE 7555-01-M**

## NATIONAL SCIENCE FOUNDATION

### Special Emphasis Panel in Civil and Mechanical Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Name:* Special Emphasis Panel in Civil and Mechanical Systems (1205).

*Date/Time:* April 5-6 2001, 8 a.m. to 5 p.m.

*Place:* National Science Foundation, 4201 Wilson Boulevard, Rm 530, Arlington.

*Type of Meeting:* Closed.

*Contact Person:* Dr. Richard Frigaszy, Program Director, Geomechanics and Geotechnical Systems. National Science Foundation, 4201 Wilson Blvd. Rm. 545, (703) 292-8360.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate nominations for the FY'01 IIA Review Panel as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 13, 2001.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 01-6577 Filed 3-15-01; 8:45 am]

**BILLING CODE 7555-01-M**

## NATIONAL SCIENCE FOUNDATION

### Special Emphasis Panel in Civil and Mechanical Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Name:* Special Emphasis Panel in Civil and Mechanical Systems (1205).

*Date/Time:* April 9, 2001, 8 a.m. to 5 p.m.; April 10, 2001, 8 a.m. to 5 p.m.

*Place:* National Science Foundation, 4201 Wilson Blvd., Room 310, Arlington, VA.

*Type of Meeting:* Closed.

*Contact Person:* Dr. Miriam Heller, Division of Civil and Mechanical Systems, National Science Foundation, 4201 Wilson

*Type of Meeting:* Closed.

*Contact Person:* Dr. Miriam Heller, Division of Civil and Mechanical Systems, National Science Foundation, 4201 Wilson Blvd., Room 545, Arlington, Virginia 22230, (703) 292-8360.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate nominations for the FY'01 Mechanics and Structures of Materials and Surface Engineering and Material Design Review Panel as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 13, 2001.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 01-6586 Filed 3-15-01; 8:45 am]

**BILLING CODE 7555-01-M**

## NATIONAL SCIENCE FOUNDATION

### Advisory Panel for Cognitive, Psychological and Language Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation (NSF) announces the following five meetings of the Advisory Panel for Cognitive, Psychological and Language Sciences (#1758);

1. *Date/Time:* April 18–April 20, 2001; 8:30 a.m.–5:00 p.m.

*Place:* National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

*Contact Person:* Dr. Cecile M. McKee, Program Director for Linguistics, National Science Foundation, 4201 Wilson Boulevard, Suite 995, Arlington, VA 22230. Telephone: (703) 292-8731.

*Type of Meeting:* Part Open (April 20, 2001; 1:00 p.m.–3:00 p.m.) Otherwise closed.

*Purpose of Meeting:* To review and evaluate linguistics proposals as part of the selection process for awards.

2. *Date/Time:* May 7–May 9, 2001; 8:30 a.m.–5:00 p.m.

*Place:* National Science Foundation, 4201, Wilson Blvd., Arlington, VA.

*Contact Person:* Dr. Steven J. Breckler, Program Director for Social Psychology, National Science Foundation, 4201 Wilson Boulevard, Suite 995, Arlington, VA 22230. Telephone: (703) 292-8728.

*Type of Meeting:* Open Session: May 8, 2001; 1:00 p.m.–2:30 p.m. Otherwise meeting is closed.

*Purpose of Meeting:* To review and evaluate social psychology proposals as part of the selection process for awards.

3. *Date/Time:* May 15–May 17, 2001; 8:30 a.m.–5:00 p.m.

*Place:* National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

*Type of Meeting:* Open Session: May 16, 2001; 10:00 a.m.–12:00 p.m. Otherwise meeting is closed.

*Purpose of Meeting:* To review and evaluate human cognition and perception proposals as part of the selection process for awards.

*Contact Person:* Dr. Joseph L. Young, Program Director for Human Cognition and Perception, National Science Foundation, 4201 Wilson Boulevard, Suite 995, Arlington, VA 22230. Telephone: (703) 292-8732.

4. *Date/Time:* May 24–25, 2001; 8:30 a.m.–5:00 p.m.

*Place:* National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

*Type of Meeting:* Open Session: May 25, 2001; 10:30 a.m.–12:00 p.m. Otherwise meeting is closed.

*Contact Person:* Dr. Rodney R. Cocking, Program Director for Developmental and Learning Sciences, National Science Foundation, 4201 Wilson Boulevard, Suite 995, Arlington, VA 22230. Telephone: (703) 292-8732.

*Purpose of Meeting:* To review and evaluate developmental and learning science proposals as part of the selection process for awards.

5. *Date/Time:* May 30–June 1, 2001; 8:30 a.m.–5:00 p.m.

*Place:* National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

*Type of Meeting:* Closed.

*Contact Person:* Dr. Steven J. Breckler, Program Director for Cognitive Neuroscience, National Science Foundation, 4201 Wilson Boulevard, Suite 995, Arlington, VA 22230. Telephone: (703) 292-8728.

*Purpose of Meeting:* To review and evaluate Cognitive Neuroscience proposals as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: March 13, 2001.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 01-6589 Filed 3-15-01; 8:45 am]

**BILLING CODE 7555-01-M**

## NATIONAL SCIENCE FOUNDATION

### Advisory Committee for Education and Human Resources; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Name:* Advisory Committee for Education and Human Resources (ACEHR) (#1119).

*Date/Time:* April 4, 2001, 8:30 a.m.–6:30 p.m.; April 5, 2001, 8:30 a.m.–3 p.m.

*Place:* National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

*Type of Meeting:* Open.

*Contact Person:* John B. Hunt, Senior Liaison, ACEHR, National Science Foundation, 4201 Wilson Boulevard, Room 805, Arlington, VA 22230, (703) 292-8602.

*Summary Minutes:* May be obtained from contact person listed above.

*Purpose of Meeting:* To provide advice and recommendations concerning NSF support for Education and Human Resources.

*Agenda:* Discussion of FY 2001 activities of the Directorate for Education and Human Resources and planning for future activities.

Dated: March 13, 2001.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 01-6579 Filed 3-15-01; 8:45 am]

**BILLING CODE 7555-01-M**

## NATIONAL SCIENCE FOUNDATION

### Special Emphasis Panel in Experimental & Integrative Activities; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Name:* Special Emphasis Panel in Experimental & Integrative Activities (1193).

*Date/Time:* May 14 and 15, 2001, 8:30 a.m.–5:30 p.m.

*Place:* National Science Foundation, 4201 Wilson Blvd. Rm. 1150, Arlington, VA.

*Type of Meeting:* Closed.

*Contact Person:* Dr. Caroline Wardle, CISE Information Technology Workforce, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230 Telephone: 703-292-8980.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to the National Science Foundation for financial support.

*Agenda:* To review and evaluate CISE (ITWF) proposals submitted in response to the program announcement (NSF 01-33).

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: March 13, 2001.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 01-6585 Filed 3-15-01; 8:45 am]

**BILLING CODE 7555-01-M**

**NATIONAL SCIENCE FOUNDATION****Advisory Panel for Genetics; Notice of Meeting**

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

*Name:* Advisory Panel for Genetics (1149) Panel B.

*Date/Time:* May 3–5, 2001, 8:30 a.m. to 5 p.m.

*Place:* National Science Foundation, Room 360, 4201 Wilson Boulevard, Arlington, VA.

*Type of Meeting:* Closed.

*Contact Person:* Drs. Linda Hyman and Philip Harriman Program Directors, Molecular and Cellular Biosciences Division, National Science Foundation, Room 655, 4201 Wilson Boulevard, Arlington, VA 22230. (703) 292–8439.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate Eukaryotic Genetics Proposals as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 13, 2001.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 01–6576 Filed 3–15–01; 8:45 am]

**BILLING CODE 7555–01–M**

**NATIONAL SCIENCE FOUNDATION****Advisory Panel for Genetics; Notice of Meeting**

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

*Name:* Advisory Panel for Genetics (1149) Panel A.

*Date/Time:* April 26–28, 2001, 8:30 a.m. to 5 p.m.

*Place:* National Science Foundation, Room 360, 4201 Wilson Blvd., Arlington, VA 22230.

*Type of Meeting:* Closed.

*Contact Person:* Dr. Arun Chatterjee or Dr. Philip Harriman, Program Directors, Molecular and Cellular Biosciences Division, National Science Foundation, Room 655, 4201 Wilson Boulevard, Arlington, VA 22230. (703) 292–8439.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate Microbial Genetics Proposals as part of the selection process for awards.

*Reason For Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: March 13, 2001.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 01–6584 Filed 3–15–01; 8:45 am]

**BILLING CODE 7555–01–M**

**NATIONAL SCIENCE FOUNDATION****Advisory Committee for Geosciences; Notice of Meeting**

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

*Name:* Advisory Committee for Geosciences (1755).

*Dates:* April 17–18, 2001.

*Time:* 8:30 a.m.–5:30 p.m. Tuesday, April 17 and 8:30 a.m.–3 p.m. Wednesday, April 18.

*Place:* Room 1235, National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

*Type of Meeting:* Open.

*Contact Person:* Dr. Thomas Spence, Directorate for Geosciences, National Science Foundation, Suite 705, 4201 Wilson Boulevard, Arlington, Virginia 22230, Phone 703–292–8500.

*Minutes:* May be obtained from the contact person listed above.

*Purpose of Meeting:* To provide advice, recommendations, and oversight concerning support for research, education, and human resources development in the geosciences.

*Agenda*

Day 1: Opening and agenda

GPRA

Divisional Subcommittee Meetings

Discussion of directorate activities and future plans

Day 2: GEO Education, Human Resources and Diversity Directorate activities and plans

Dated: March 13, 2001.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 01–6588 Filed 3–15–01; 8:45 am]

**BILLING CODE 7555–01–M**

**NATIONAL SCIENCE FOUNDATION****Special Emphasis Panel in Materials Research; Notice of Meeting**

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463 as amended), the National Science Foundation announces the following meeting:

*Name:* Special Emphasis Panel in Materials Research (1203).

*Date/Time:* April 12 and April 13, 2001; 8 a.m.–6 p.m.

*Place:* National Science Foundation, 4201 Wilson Blvd., Room 330, Arlington, VA.

*Type of Meeting:* Closed.

*Contact Person:* Dr. Guebre X. Tessema, Program Director, National Facilities and Instrumentation, Division of Materials Research, Room 1065, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone (703) 292–4943.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* Review and evaluate proposals as part of the selection process to determine finalists considered for the FY2001 Instrumentation for Materials Research (IMR) and Major Research Instrumentation (MRI) Programs.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 13, 2001.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 01–6575 Filed 3–15–01; 8:45 am]

**BILLING CODE 7555–01–M**

**NATIONAL SCIENCE FOUNDATION****Special Emphasis Panel in Materials Research; Notice of Meeting**

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463 as amended), the National Science Foundation announces the following meeting:

*Name:* Special Emphasis Panel in materials Research (1203).

*Date/Time:* April 18–19, 2001; 8 a.m. to 6 p.m.

*Place:* National Science Foundation, 4201 Wilson Blvd., Rm 380, Arlington, VA

*Type of Meeting:* Closed.

*Contact Person:* Dr. Guebre X. Tessema, Program Director, National Facilities and Instrumentation, Division of Materials Research, Room 1065, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone (703) 292–4943.



*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* Review and evaluate proposals as part of the selection process to determine finalists considered for the FY2001 Instrumentation for Materials Research (IMR) and Major Research Instrumentation (MRI) Programs.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 13, 2001.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 01-6594 Filed 3-15-01; 8:45 am]

**BILLING CODE 7555-01-M**

## NATIONAL SCIENCE FOUNDATION

### Directorate for Mathematical and Physical Sciences Advisory Committee; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Name:* Directorate for Mathematical and Physical Sciences Advisory Committee (MPSAC) #66.

*Date/Time:* April 12, 2001, 8:00 a.m.-6:00 p.m.; April 13, 2001, 8:00 a.m.-3:30 p.m.

*Place:* National Science Foundation, 4201 Wilson Boulevard, Arlington, VA, Room 1235.

*Type of Meeting:* Open.

*Contact Person:* Dr. Morris L. Aizenman, Senior Science Associate, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Room 1005, (703) 292-8807.

*Purpose of Meeting:* To provide advice and recommendations concerning NSF science and education activities within the Directorate for Mathematical and Physical Sciences.

*Agenda:*

Current status of Directorate  
Review by MPSAC of Division of Chemistry  
and Division of Mathematics Committee of  
Visitors Reports  
Web-based Education Presentations  
Possible Future MPS Areas of Emphasis

*Summary Minutes:* May be obtained from the contact person listed above.

Dated: March 13, 2001.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 01-6578 Filed 3-15-01; 8:45 am]

**BILLING CODE 7555-01-M**

## NATIONAL SCIENCE FOUNDATION

### Advisory Panel for Physiology and Ethology; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation (NSF) announces the following meeting:

*Name:* Advisory Panel for Physiology and Ethology (1160).

*Date and Time:* April 9, 10 and 11, 2001, 8:30 a.m.-6:00 p.m.

*Place:* NSF, Room 390, 4201 Wilson Blvd., Arlington, Virginia.

*Type of Meeting:* Part-Open.

*Contact Person:* Dr. Sharman O'Neill, Program Director, Integrative Plant Biology, Division of Integrative Biology and Neuroscience, Room 685N, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone: (703) 292-7888.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Minutes:* May be obtained from the contact person listed above.

*Agenda: Open Session:* April 10, 2001, 4:00 p.m. to 5:00 p.m.—discussion on research trends, opportunities and assessment procedures in Integrative Plant Biology.

*Closed Session:* April 9, 2001, 8:30 a.m.-6:00 p.m.; April 10, 2001, 8:30 a.m. to 4:00 p.m. and 5:00 p.m. to 6:00 p.m.; and April 11, 2001, 8:30 a.m. to 6:00 p.m. To review and evaluate Integrative Plant Biology proposals as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 13, 2001.

**Susanne Bolton,**

*Committee Meeting Officer.*

[FR Doc. 01-6592 Filed 3-15-01; 8:45 am]

**BILLING CODE 7555-01-M**

## NATIONAL SCIENCE FOUNDATION

### Special Emphasis Panel in Undergraduate Education; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Name:* Special Emphasis Panel in Undergraduate Education (1214).

*Date/Time:* May 21-23, 2001; 8:00 a.m. to 5:00 p.m.

*Place:* Stafford Place II, Rm. 575, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

*Type of Meeting:* Closed.

*Contact Person:* Dr. Elizabeth Teles, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292-8670.

*Purpose of Meeting:* To provide advice and recommendations concerning proposals submitted to NSF for financial support.

*Agenda:* To review and evaluate ATE preliminary proposals as part of the selection process for awards.

*Reason for Closing:* The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data, such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under (4) and (6) of 5 U.S.C. 552b(c), of the Government in the Sunshine Act.

Dated: March 13, 2001.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 01-6587 Filed 3-15-01; 8:45 am]

**BILLING CODE 7555-01-M**

## NATIONAL SCIENCE FOUNDATION

### Special Emphasis Panel in Undergraduate Education; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92-463, as amended), the National Science Foundation announces the following meeting:

*Name:* Special Emphasis Panel in Undergraduate Education (1214).

*Date/Time:* April 1-4, 2001; 8:00 a.m. to 5:00 p.m.

*Place:* Rooms 110, 320, 330, 370, 375, 390, 1235, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

*Type of Meeting:* Open.

*Contact Person:* Dr. Joan Prival, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 292-4635.

*Purpose of Meeting:* To convene Principal Investigators from 32 CETP projects to disseminate best practices in science and mathematics teacher preparation.

*Agenda:* Presentations on accomplishments of teacher preparation projects and undergraduate course reform in science, mathematics, engineering, and technology.

Dated: March 13, 2001.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 01-6593 Filed 3-15-01; 8:45 am]

**BILLING CODE 7555-01-M**



## NUCLEAR REGULATORY COMMISSION

### Documents Containing Reporting or Recordkeeping Requirements: Office of Management and Budget (OMB) Review

**AGENCY:** U.S. Nuclear Regulatory Commission (NRC).

**ACTION:** Notice of the OMB review of information collection and solicitation of public comment.

**SUMMARY:** The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

1. Type of submission, new, revision, or extension: Revision

2. The title of the information collection:

—Final rule, 10 CFR part 35, Medical Use of Byproduct Material  
—NRC Form 313, Application for Material License, and Supplemental Forms

NRC Form 313A, Training and Experience, and

NRC Form 313B, Preceptor Statement

3. The form number if applicable: NRC Form 313, 313A and 313B

4. How often the collection is required: Reports of medical events, doses to an embryo/fetus or nursing child, or leaking sources are reportable on occurrence. A certifying entity desiring to be recognized by the NRC must request recognition.

5. Who will be required or asked to report: Physicians and medical institutions holding an NRC license authorizing the administration of byproduct material or radiation therefrom to humans for medical use.

6. An estimate of the number of responses: 214,402 (61,182 NRC licensees, 153,220 Agreement State licensees). In addition, 23 organizations are expected to prepare requests for recognition.

NRC Form 313: 7 (2 NRC licensees, 5 Agreement State licensees) applications for new modalities.

7. The estimated number of annual respondents: 5793 (1,655 NRC licensees and 4,138 Agreement State licensees).

8. An estimate of the total number of hours needed annually to complete the requirement or request: Part 35: 889,754 hours (254,059 hours for NRC licensees and 635,695 hours for Agreement State licensees) (an average of 154 hours per licensee). In addition, there is a one-time burden of 368 hours on certifying boards involved in their preparing requests for recognition. NRC Form 313:

673 hours (193 hours for NRC licensees and 480 hours for Agreement State licensees).

9. An indication of whether Section 3507(d), Pub. L. 104–13 applies: Applicable

10. Abstract: 10 CFR Part 35, “Medical Use of Byproduct Material”, is being restructured into a more risk-informed, more performance-based regulation. The final rule contains mandatory requirements that apply to NRC licensees authorized to administer byproduct material or radiation therefrom to humans for medical use.

The information in the required reports and records is used by the NRC to ensure that public health and safety is protected, and that the possession and use of byproduct material is in compliance with the license and regulatory requirements.

A copy of the supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1 F23, Rockville, MD 20852. OMB clearance packages are available at the NRC worldwide web site: <http://www.nrc.gov/NRC/PUBLIC/OMB/index.html>. The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer by April 16, 2001:

Amy Farrell, Office of Information and Regulatory Affairs (3150–0010, and –0120), NEOB–10202, Office of Management and Budget, Washington DC 20503.

Comments can also be submitted by telephone at (202) 395–7318.

The NRC Clearance Officer is Brenda Jo. Shelton, 301–415–7233.

Dated at Rockville, Maryland, this 9th day of March 2001.

For the Nuclear Regulatory Commission.

**Brenda Jo. Shelton,**

*NRC Clearance Officer, Office of the Chief Information Officer.*

[FR Doc. 01–6617 Filed 3–15–01; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on the Medical Uses of Isotopes: Meeting Notice

**AGENCY:** U.S. Nuclear Regulatory Commission.

**ACTION:** Notice of meeting.

**SUMMARY:** The U.S. Nuclear Regulatory Commission will convene a meeting of the Advisory Committee on the Medical

Uses of Isotopes (ACMUI) on April 18, 2001. The meeting will take place at the address provided below. The entire meeting will be open to the public. Topics of discussion will include: (1) status of issuance of the new 10 CFR part 35, Medical Use of Byproduct Material; (2) transition and implementation issues for the new 10 CFR part 35; (3) recognition of certification boards for training and experience qualifications; and (4) licensing issues for brachytherapy.

**DATES:** The meeting will be held on April 18, 2001, from 8:00 a.m. to 5:00 p.m.

**ADDRESSES:** U.S. Nuclear Regulatory Commission, Two White Flint North Building, Conference Room T2B3, 11545 Rockville Pike, Rockville, MD 20852–2738.

**FOR FURTHER INFORMATION CONTACT:** Angela R. Williamson, telephone (301) 415–5030, e-mail [arw@nrc.gov](mailto:arw@nrc.gov), of the Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

### Conduct of the Meeting

Manuel D. Cerqueira, M.D., will chair the meeting. Dr. Cerqueira will conduct the meeting in a manner that will facilitate the orderly conduct of business. The following procedures apply to public participation in the meeting:

1. Persons who wish to provide a written statement should submit reproducible copy to Angela Williamson (address previously listed) by April 11, 2001. Statements must pertain to the topics on the agenda for the meeting.

2. Questions from members of the public will be permitted during the meeting, at the discretion of the Chairman.

3. The transcript and written comments will be available for inspection and copying for a fee, at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD 20852–2738, telephone (800) 397–4209, on or about May 20, 2001. Minutes of the meeting will be available on or about June 8, 2001.

4. Seating for the public will be on a first-come, first served basis.

This meeting will be held in accordance with the Atomic Energy Act of 1954, as amended (primarily Section 161a); the Federal Advisory Committee Act (5 U.S.C. App); and the Commission's regulations in Title 10, *U.S. Code of Federal Regulations*, Part 7.

Dated: March 12, 2001.

**Andrew L. Bates,**

*Advisory Committee Management Officer.*

[FR Doc. 01-6615 Filed 3-15-01; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards, Subcommittee Meeting on Planning and Procedures; Notice of Meeting

The ACRS Subcommittee on Planning and Procedures will hold a meeting on April 4, 2001, Room T-2B1, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance, with the exception of a portion that may be closed pursuant to 5 U.S.C. 552b(c)(2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.

The agenda for the subject meeting shall be as follows:

*Wednesday, April 4, 2001—2:30 p.m. until the conclusion of business*

The Subcommittee will discuss proposed ACRS activities and related matters. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff person named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

Further information regarding topics to be discussed, the scheduling of sessions open to the public, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements, and the time allotted therefor can be obtained by contacting the cognizant ACRS staff person, Dr. John T. Larkins (telephone: 301/415-7360) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this

meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any changes in schedule, etc., that may have occurred.

Dated: March 9, 2001.

**James E. Lyons,**

*Associate Director for Technical Support, ACRS/ACNW.*

[FR Doc. 01-6614 Filed 3-15-01; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 50-247]

### License No. DPR-26; Consolidated Edison Company of New York, Inc.; Receipt of Petition for Director's Decision Under 10 CFR 2.206

Notice is hereby given that by Petition dated December 4, 2000, Deborah Katz, Marilyn Elie, Tim Judson, Kyle Rabin, Mark Jacobs, Paul Gunter, and Jim Riccio (petitioners) have requested that the Nuclear Regulatory Commission (NRC) take the following six actions with regard to Indian Point Nuclear Generating Unit No. 2 (IP2): (1) Suspend the license for the IP2 reactor because of the licensee's "persistent and pervasive, negligent management of the reactor," (2) investigate whether the potential misrepresentation of material fact by the utility regarding "significantly insufficient" engineering calculations was due to a lack of rigor and thoroughness or was deliberate, (3) revoke the IP2 operating license if it is found that the licensee deliberately provided insufficient and false information, (4) if the license is not revoked, maintain IP2 on the "list of agency's focus reactors" until management demonstrates it can fulfill its regulatory requirements and commitments, (5) not approve the transfer of the IP2 license until management can demonstrate that the Updated Final Safety Analysis Report (UFSAR), the condition report backlog, and the maintenance requirements are up-to-date and workers have been retrained, and (6) not allow the IP2 reactor to restart until the fundamental breakdown in management is analyzed and corrected.

As a basis for this request, the petitioners state that the NRC inspections and other plant performance measurement processes have uncovered serious weaknesses and inaccuracies in the UFSAR, the Technical Specifications, the design and licensing bases, communications, maintenance, procedures, and worker training which,

in the aggregate, point to a systemic mismanagement problem. The petitioners further state that without solid evidence that the licensee has addressed the root causes of systemic mismanagement, brought the reactor within compliance with its licensing and design bases, and established that the material condition of safety-significant reactor components is within safe limits, the licensee is no more prepared to operate IP2 than it was before the two recent operating events.

The Petition has been accepted for review pursuant to 10 CFR 2.206 of the Commission's regulations, and has been referred to the Director of the Office of Nuclear Reactor Regulation (NRR). In accordance with Section 2.206, appropriate action will be taken on this Petition within a reasonable time. The NRR Petition Review Board (PRB) met on December 20, 2000, to consider Requested Action 6, that the NRC prevent the IP2 reactor from restarting. The PRB recommended that the request be denied, and the Director denied it. The Director denied Requested Action 6 because the Petitioners' bases for prohibiting IP2's restart had been previously evaluated individually and in aggregate by the NRC for regulatory and safety significance. The Director found that the issues did not warrant prohibiting the restart of IP2. The petitioners Deborah Katz, Tim Judson, Kyle Rabin, Mark Jacobs, Paul Gunter, and Jim Riccio met with the NRR PRB on January 24, 2001, to discuss the Petition. The results of that discussion were considered in the board's determination regarding the schedule for the review of the Petition. The Petition and the NRC's acknowledgment letter are available in ADAMS for inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, and from the ADAMS Public Library component on the NRC's Web site, <http://www.nrc.gov> (the Public Electronic Reading Room) at accession nos. ML010580302 and ML010510218, respectively. Information regarding this Petition can also be found on the Indian Point Unit 2 Event page on the NRC's Web site, <http://www.nrc.gov/NRC/REACTOR/IP/index.html>

Dated at Rockville, Maryland this 9th day of March 2001.

For the Nuclear Regulatory Commission.

**Samuel J. Collins,**

*Director, Office of Nuclear Reactor Regulation.*

[FR Doc. 01-6619 Filed 3-15-01; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### Draft Regulatory Guide; Issuance, Availability

The Nuclear Regulatory Commission has issued for public comment a draft of a proposed guide in its Regulatory Guide Series. This series has been developed to describe and make available to the public such information as methods acceptable to the NRC staff for implementing specific parts of the NRC's regulations, techniques used by the staff in evaluating specific problems or postulated accidents, and data needed by the staff in its review of applications for permits and licenses.

The draft guide, temporarily identified by its task number, DG-1105 (which should be mentioned in all correspondence concerning this draft guide), is titled "Procedures and Criteria for Assessing Seismic Soil Liquefaction at Nuclear Power Plant Sites." This draft guide is being developed to provide guidance to license applicants on methods acceptable to the NRC staff for evaluating the potential for earthquake-induced instability of soils resulting from liquefaction and strength degradation.

This draft guide has not received complete staff approval and does not represent an official NRC staff position.

Comments may be accompanied by relevant information or supporting data. Written comments may be submitted to the Rules and Directives Branch, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Copies of comments received may be examined at the NRC Public Document Room, 11555 Rockville Pike, Rockville, MD. Comments will be most helpful if received by June 15, 2001.

You may also provide comments via the NRC's interactive rulemaking web site through the NRC home page (<http://www.nrc.gov>). This site provides the ability to upload comments as files (any format) if your web browser supports that function. For information about the interactive rulemaking web site, contact Ms. Carol Gallagher, (301) 415-5905; e-mail [CAG@NRC.GOV](mailto:CAG@NRC.GOV). For information about the draft guide and the related documents, contact Mr. J. Philip at (301) 415-6211; e-mail [JXP@NRC.GOV](mailto:JXP@NRC.GOV).

Although a time limit is given for comments on this draft guide, comments and suggestions in connection with items for inclusion in guides currently being developed or improvements in all published guides are encouraged at any time.

Regulatory guides are available for inspection at the NRC's Public

Document Room, 11555 Rockville Pike, Rockville, MD; the PDR's mailing address is USNRC PDR, Washington, DC 20555; telephone (301) 415-4737 or (800) 397-4205; fax (301) 415-3548; email [PDR@NRC.GOV](mailto:PDR@NRC.GOV). Requests for single copies of draft or final guides (which may be reproduced) or for placement on an automatic distribution list for single copies of future draft guides in specific divisions should be made in writing to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Reproduction and Distribution Services Section; or by e-mail to [<DISTRIBUTION@NRC.GOV>](mailto:<DISTRIBUTION@NRC.GOV>); or by fax to (301) 415-2289. Telephone requests cannot be accommodated. Regulatory guides are not copyrighted, and Commission approval is not required to reproduce them. (5 U.S.C. 552(a))

Dated at Rockville, Maryland, this 27th day of February 2001.

For the Nuclear Regulatory Commission.  
**Michael E. Mayfield,**  
*Director, Division of Engineering Technology,  
Office of Nuclear Regulatory Research.*  
[FR Doc. 01-6616 Filed 3-15-01; 8:45 am]  
**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

### Risk-Based Performance Indicators: Results of Phase-1 Development

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Extension of comment period.

**SUMMARY:** The Nuclear Regulatory Commission announced the availability of the draft document entitled: "Risk-Based Performance Indicators: Results of Phase-1 Development," dated January 2001 for review and comment by external stakeholders in a document published in the February 1, 2001 **Federal Register** (66 FR 8606). Interested individuals may obtain a copy of this document from the person identified under the caption: **FOR FURTHER INFORMATION CONTACT.** As a result of comments received during the February 21, 2001 meeting, the NRC is extending the comment period to allow the industry to incorporate insights from the April 24, 2001 public meeting into their written comments. In addition, the NRC is interested in receiving comments on specific topics reviewers wish to discuss at the April 24, 2001 meeting. Reviewers are requested to contact Mr. Hossein Hamzehee at 301-415-6228 or [hgh@nrc.gov](mailto:hgh@nrc.gov) by April 17, 2001, with comments or issues they

wish to have addressed at the April 24, 2001 meeting.

**DATES:** Submit comments by May 14, 2001. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

A public meeting will be held on April 24, 2001 from 8:30 a.m. to 12:30 p.m. The purpose of this meeting is to discuss external stakeholder comments on the results of Phase-1 RBPI development, and the technical feasibility of applying these concepts in the Reactor Oversight Process.

**ADDRESSES:** Submit comments to: Chief, Rules and Directives Branch, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

Deliver comments to: 11545 Rockville Pike, Rockville, Maryland, between 7:30 a.m. and 4:15 p.m. Federal workdays.

The public meeting will be held at Two White Flint North Auditorium, 11545 Rockville Pike, Rockville, Maryland 20852.

The draft document and certain other documents related to this action, including comments received, may be examined in the NRC Public Document Room, 11555 Rockville Pike, Rockville, Maryland.

**FOR FURTHER INFORMATION CONTACT:** Hossein G. Hamzehee, Division of Risk Analysis and Applications, Office of Nuclear Regulatory Research, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001. Telephone: 301-415-6228, e-mail: [hgh@nrc.gov](mailto:hgh@nrc.gov)

Dated at Rockville, Maryland, this 8th day of March, 2001.

For the Nuclear Regulatory Commission.

**Thomas L. King,**  
*Director, Division of Risk Analysis and Applications, Office of Nuclear Regulatory Research.*

[FR Doc. 01-6618 Filed 3-15-01; 8:45 am]

**BILLING CODE 7590-01-P**

## OFFICE OF MANAGEMENT AND BUDGET

[OMB Circular No. A-94]

### Discount Rates for Cost-Effectiveness Analysis of Federal Programs

**AGENCY:** Office of Management and Budget.

**ACTION:** Revisions to Appendix C of OMB Circular A-94.

**SUMMARY:** The Office of Management and Budget revised Circular A-94 in 1992. The revised Circular specified

certain discount rates to be updated annually when the interest rate and inflation assumptions used to prepare the budget of the United States Government were changed. These discount rates are found in Appendix C of the revised Circular. The updated discount rates are shown below. The discount rates in Appendix C are to be used for cost-effectiveness analysis, including lease-purchase analysis, as specified in the revised Circular. They do not apply to regulatory analysis.

**DATES:** The revised discount rates are effective immediately and will be in effect through January 2002.

**FOR FURTHER INFORMATION CONTACT:** Robert B. Anderson, Office of Economic Policy, Office of Management and Budget, (202) 395-3381.

**Amy C. Smith,**  
*Associate Director for Economic Policy, Office of Management and Budget.*

Attachment  
[OMB Circular No. A-94]

### Appendix C

(Revised February 2001)

#### Discount Rates for Cost-Effectiveness, Lease Purchase, and Related Analyses

*Effective Dates.* This appendix is updated annually around the time of the President's

budget submission to Congress. This version of the appendix is valid through the end of January, 2002. Copies of the updated appendix and the Circular can be obtained in an electronic form through the OMB home page, <http://www.whitehouse.gov/omb/circulars/index.html>. Updates of the appendix are also available upon request from OMB's Office of Economic Policy (202-395-3381), as is a table of past years' rates.

*Nominal Discount Rates.* Nominal interest rates based on the economic assumptions from the budget are presented below. These nominal rates are to be used for discounting nominal flows, which are often encountered in lease-purchase analysis.

### NOMINAL INTEREST RATES ON TREASURY NOTES AND BONDS OF SPECIFIED MATURITIES

[In percent]

3-year	5-year	7-year	10-year	30-year
5.4	5.4	5.4	5.4	5.3

*Real Discount Rates.* Real interest rates based on the economic assumptions from the

budget are presented below. These real rates are to be used for discounting real (constant-

dollar) flows, as is often required in cost-effectiveness analysis.

### REAL INTEREST RATES ON TREASURY NOTES AND BONDS OF SPECIFIED MATURITIES

[In percent]

3-year	5-year	7-year	10-year	30-year
3.2	3.2	3.2	3.2	3.2

Analyses of programs with terms different from those presented above may use a linear interpolation. For example, a four-year project can be evaluated with a rate equal to the average of the three-year and five-year rates. Programs with durations longer than 30 years may use the 30-year interest rate.

[FR Doc. 01-6554 Filed 3-15-01; 8:45 am]

**BILLING CODE 3110-01-P**

### POSTAL RATE COMMISSION

[Docket No. R2000-1; Order No. 1305]

#### Notice and Order Concerning Request for Reconsideration of Commission's Docket No. R2000-1 Further Opinion and Recommended Decision

**AGENCY:** Postal Rate Commission.

**ACTION:** Notice and order on reconsideration of Commission's docket no. R2000-1 further opinion and recommended decision.

**SUMMARY:** This document informs the public that the Governors of the Postal Service have requested reconsideration of the Commission's further opinion and recommended decision in docket no. R2000-1 as it relates to the Service's revenue requirement. It invites

comments on several questions. It also sets deadlines for initial and reply comments.

**DATES:** Initial comments are due March 19, 2001. Reply comments are due March 26, 2001.

**ADDRESSES:** Send comments to the attention of Steven W. Williams, acting secretary, 1333 H Street NW., Suite 300, Washington, DC 20268-0001.

**FOR MORE INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, 202-789-6820.

#### SUPPLEMENTARY INFORMATION:

##### A. Authority to Reconsider the Decision

39 U.S.C. 3625(f).

##### B. Procedural History

65 FR 79141, Dec. 18, 2000.

##### C. Background

On November 13, 2000 the Commission issued its initial opinion and recommended decision in docket no. R2000-1. On December 5, 2000 the Governors of the United States Postal Service accepted that recommended decision under protest and returned it for reconsideration of certain specified issues. After obtaining an explanation

from the Postal Service, comments from other participants, and reply comments from the Postal Service the Commission provided its opinion and further recommended decision addressing these issues on February 9, 2001.

On March 6, 2001 the decision of the Governors of the United States Postal Service on the further recommended decision of the Postal Rate Commission on postal rate and fee changes, docket No. R2000-1 (Governors decision) was transmitted to the Commission. The Governors decision rejects the Commission's opinion and further recommended decision and returns docket no. R2000-1 for reconsideration of the Postal Service's revenue requirement.

The Governors believe that the revenue requirement is \$69.8 billion. They forthrightly urge the Commission either to recommend rates that would generate this amount of revenue, or to provide some other recommended decision "with great expedition so that we can consider exercising our statutorily-limited modification option."

The Governors recognize that the Commission has previously found that the existing evidentiary record in docket no. R2000-1 does not support a \$69.8

billion revenue requirement, however they specifically state that they do not ask the Commission to reopen the record and base its decision on new facts. Governors decision at 4. Instead, they say:

Last month, the chief financial officer told us that the Postal Service stands to lose between \$2 billion and \$3 billion this fiscal year, which is the rate case test year. While we are not asking the Commission to recommend rates to eliminate this latest projected net loss, we are asking the Commission to recommend rates and fees that meet the updated cost estimates already developed on the record, including a 2.5 percent contingency provision. This would reduce the projected net loss.

Id. at 4.

#### **D. Commission's Proposed Course of Action**

The Commission will again review the record evidence on the items identified by the Governors, and respond expeditiously to the Governors' request. The issues before the Commission have been sufficiently developed in the Governors decision so that the process can be shortened by foregoing an initial explanatory statement by the Postal Service. The Commission has identified three questions that directly relate to the issues before it. All participants, including the Postal Service are invited to provide comments on these questions as well as other issues before the Commission, and to reply to comments filed by other participants.

The three questions are: (1) can the Commission lawfully recommend higher rates as requested by the Governors; (2) should the Commission recommend higher rates as requested by the Governors; and (3) if the answer to the first two questions is yes, how should higher rates be developed?

#### *Can the Commission Lawfully Recommend Higher Rates?*

The Governors now ask the Commission to recommend rates that will annually generate \$69.8 billion. The initial rate request sought rates that would annually generate \$69.0 billion. Are there any statutory or procedural impediments to a Commission recommendation of rates designed to produce the higher revenue amount?

#### *Should the Commission Recommend Higher Rates?*

Although the Governors contend that further Commission action can be based on the evidentiary record developed before September 8, 2000, their request for reconsideration is obviously predicated on their access to information on current postal finances.

See for example, "we find ourselves, almost halfway into the test year, operating under rates inadequate to meet the Postal Service's revenue needs." Governors decision at 3. See also, "the Postal Service stands to lose between \$2 billion and \$3 billion this fiscal year," id. at 4. The Governors state that a new rate case is now being prepared and that immediate additional rate increases will affect the amount of additional funds it will have to seek.

Thus, the Governors present indirectly the question of whether the Service's financial health depends to some degree on an immediate infusion of additional rate revenues. This issue certainly may play a major role in any decision the Governors make on the Commission's next recommended decision. Whether, and how, the Commission's findings in the current proceeding can be influenced by such statements is less clear. See *United Parcel Service* versus *U.S. Postal Service*, 184 F3d 827, 834-36 (D.C. Cir. 1999).

With regard to whether rates should be increased, participants might express a preference for an immediate small increase, if that would reduce the size of the expected, substantial increase planned for next year. On the other hand, participant comments on issues raised in the earlier request for reconsideration indicated that small increases can be so disruptive to mailing practices as to be counter-productive. See Reply of the United States Postal Service to Comments of Participants in Response to the Postal Service's Memorandum on Reconsideration, January 19, 2001, at 35-38 and 40, and comment cited therein.

#### *How Should Higher Rates Be Developed?*

The attribution methods applied in this case by the Commission are not in controversy on reconsideration. Thus, participants should be able to estimate the amount by which the attributable costs of any class of mail would increase if the Commission finds that the revenue requirement should include those additional items highlighted by the Governors.

In the memorandum of the Postal Service on reconsideration and request for expedition, December 20, 2000, at 22-26, the Service expressed the general view that there is sufficient record evidence to allow the Commission to design rates that would provide all necessary revenues and be consistent with the policies of the [Postal Reorganization] Act as required by 39 U.S.C. 3622(b). Although it chose not to suggest any specific rates, it further

advised the Commission that rate adjustments in Bound Printed Matter should not reduce workshare differentials. Id. at 31. Other participants may have suggestions of this nature.

Because the issues presented by this request for further reconsideration have already been the subject of comments to the Commission, and in light of the Governors' request for maximum expedition, only ten days will be allowed for initial comments, and seven days will be allowed for replies.

#### **Ordering Paragraphs**

Ordering paragraph No. 1 provides that participants' comments on the request for further reconsideration are to be filed on or before March 19, 2001. Ordering paragraph no. 2 provides that reply comments are to be filed on or before March 26, 2001. Ordering paragraph No. 3 provides that the acting secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

**Steven W. Williams,**

*Acting Secretary.*

[FR Doc. 01-6516 Filed 3-15-01; 8:45 am]

**BILLING CODE 7710-FW-P**

## **POSTAL SERVICE**

### **Sunshine Act Meeting; Notification of Item Added to Meeting Agenda**

**DATE OF MEETING:** March 5, 2001.

**STATUS:** Closed.

**PREVIOUS ANNOUNCEMENT:** 66 FR 11190, February 22, 2001.

**ADDITION:** Experimental Priority Mail Presort (Niche) Classification. At its meeting on March 5, 2001, the Board of Governors of the United States Postal Service voted unanimously to add this item to the agenda of its closed meeting and that no earlier announcement was possible. The General Counsel of the United States Postal Service certified that in her opinion discussion of this item could be properly closed to public observation.

**CONTACT PERSON FOR MORE INFORMATION:** David G. Hunter, Secretary of the Board, U.S. Postal Service, 475 L'Enfant Plaza, SW., Washington, DC 20260-1000. Telephone (202) 268-4800.

**David G. Hunter,**  
*Secretary.*

[FR Doc. 01-6739 Filed 3-14-01; 1:31 pm]

**BILLING CODE 7710-12-M**

## SECURITIES AND EXCHANGE COMMISSION

[Extension: Rule 15g-9; SEC File No. 270-325; OMB Control No. 3235-0385]

### Submission for OMB Review; Comment Request

Upon written request, copies available from: Securities and Exchange Commission Office of Filings and Information Services 450 Fifth Street, NW, Washington, DC 20549.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission ("Commission") has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

- Rule 15g-9, Sales Practice Requirements for Certain Low-Priced Securities Section 15(c)(2) of the Securities Exchange Act of 1934 (the "Exchange Act") authorizes the Commission to promulgate rules that prescribe means reasonably designed to prevent fraudulent, deceptive, or manipulative practices in connection with over-the-counter ("OTC") securities transactions. Pursuant to this authority, the Commission in 1989 adopted Rule 15a-6 (the "Rule"), which was subsequently redesignated as Rule 15g-9, 17 CFR 240.15g-9. The Rule requires broker-dealers to produce a written suitability determination for, and to obtain a written customer agreement to, certain recommended transactions in low-priced stocks that are not registered on a national securities exchange or authorized for trading on NASDAQ, and whose issuers do not meet certain minimum financial standards. The Rule is intended to prevent the indiscriminate use by broker-dealers of fraudulent, high-pressure telephone sales campaigns to sell low-priced securities to unsophisticated customers.

The staff estimates that approximately 270 broker-dealers incur an average burden of 78 hours per year to comply with this rule. Thus, the total burden hours to comply with the Rule is estimated at 21,060 hours (270 × 78).

The broker-dealer must keep the written suitability determination and customer agreement required by the Rule for at least three years. Completing the suitability determination and obtaining the customer agreement in writing is mandatory for broker-dealers who effect transactions in penny stocks and do not qualify for an exemption, but does not involve the collection of confidential information. Please note that an agency may not conduct or

sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

General comments regarding the estimated burden hours should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503; and (ii) Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: March 12, 2001.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 01-6562 Filed 3-15-01; 8:45 am]

BILLING CODE 8010-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 35-27353]

### Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")

March 9, 2001.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by April 3, 2001, to the Secretary, Securities and Exchange Commission, Washington, DC 20549-0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the

matter. After April 3, 2001, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

### American Electric Power Company, Inc., (70-9729)

American Electric Power Company, Inc. ("AEP"), 1 Riverside Plaza, Columbus, Ohio 43215, a registered holding company, has filed an application-declaration under sections 6(a), 7, 9(a), 10, 12(b), 12(c), 12(f), 32, and 33 of the Act and rules 42, 45, 46, and 53 under the Act.

AEP proposes to organize and acquire all of the common stock or other equity interests of one or more subsidiaries, financing subsidiaries, (collectively "FS") for the purpose of effecting various financing transactions through June 30, 2004 involving the issuance and sale of up to an aggregate of \$1.5 billion, cash proceeds to AEP in any combination of preferred securities, debt securities, interest rate hedges, anticipatory hedges, stock purchase contracts and stock purchase units, as well as its common stock issuable under the stock purchase contracts and stock purchase units to acquire the securities of associate companies and interests in other businesses including exempt wholesale generators ("EWGs") and foreign utility companies ("FUCOs"). AEP further proposes that it may effect directly, without the FS, any such transaction involving preferred securities, debt securities, stock purchase contracts or stock purchase units, provided that AEP shall not issue any secured indebtedness. Also, no FS or Special Purpose Subsidiary ("SPS") shall acquire or dispose of, directly or indirectly, any interest in any utility asset, as that term is defined under the Act.

#### I. Financing Subsidiaries

AEP will acquire all of the outstanding shares of common stock or other equity interests of the FS for amounts inclusive of capital contributions that may be made from time to time to the FS by AEP) aggregating up to 35% of the total capitalization of the FS (*i.e.*, the aggregate of the equity accounts and indebtedness of the FS). Such investment by AEP will not in any event be less than the minimum required by any applicable law. The business of the FS will be limited to effecting financing transactions for AEP and its affiliates. In connection with such financing transactions, AEP will enter into one or more guarantee or other credit support agreements in favor of the FS. Effecting financings through the FS will have the

benefit of better distinguishing securities issued by AEP to finance its investments in non-core businesses from those issued to finance its investments in core businesses operating companies. A separate FS may be used by AEP with respect to different types of non-core businesses.

## II. Preferred Securities

In connection with the issuance of preferred securities ("Preferred Securities"), AEP proposes that it or the FS will organize one or more separate SPSs as any one or any combination of (a) a limited liability company under the Limited Liability Company Act (the "LLC Act") of the State of Delaware or other jurisdiction considered advantageous by AEP, (b) a limited partnership under the Revised Uniform Limited Partnership Act of the State of Delaware or other jurisdiction considered advantageous by AEP, (c) a business trust under the laws of the State of Delaware or other jurisdiction considered advantageous by AEP, or (d) any other entity or structure, foreign or domestic, that is considered advantageous by AEP. In the event that any SPS is organized as a limited liability company, AEP or the FS may also organize a second special purpose wholly owned subsidiary under the General Corporation Law of the State of Delaware or other jurisdiction ("Investment Sub") for the purpose of acquiring and holding SPS membership interests so as to comply with any requirement under the applicable LLC Act that a limited liability company have at least two members. In the event that any SPS is organized as a limited partnership, AEP or the FS also may organize an Investment Sub for the purpose of acting as the general partner of such SPS and may acquire, either directly or indirectly through such Investment Sub, a limited partnership interest in such SPS to ensure that such SPS will at all times have a limited partner to the extent required by applicable law. The respective SPS then will issue and sell to private or public investors, at any time or from time to time, unsecured preferred securities ("Preferred Securities") with a specified par or stated value or liquidation preference per security.

AEP, the FS and/or an Investment Sub will acquire all of the common stock or all of the general partnership or other common equity interests, as the case may be, of any SPS for an amount not less than the minimum required by any applicable law and not exceeding 21% of the total equity capitalization from time to time of such SPS (*i.e.*, the aggregate of the equity accounts of such

SPS) (the aggregate of such investment by AEP, the FS and/or an Investment Sub is referred to as the "Equity Contribution"). The constituent instruments of each SPS, including its Limited Liability Company Agreement, Limited Partnership Agreement or Trust Agreement, as the case may be, will provide, among other things, that such SPS's activities will be limited to the issuance and sale of Preferred Securities from time to time and the lending to the FS or Investment Sub of (a) the proceeds thereof and (b) the Equity Contribution to such SPS, and certain other related activities. No SPS's constituent instruments will include any interest or dividend coverage or capitalization ratio restrictions on its ability to issue and sell Preferred Securities as each such issuance will be supported by a note ("Note") and guaranty ("Guaranty") and such restrictions would therefore not be relevant or necessary for any SPS to maintain an appropriate capital structure. Each SPS's constituent instruments will further state that its common stock or general partnership or other common equity interests are not transferable (except to certain permitted successors), that its business and affairs will be managed and controlled by AEP, the FS and/or its Investment Sub (or permitted successor), and that AEP or the FS (or permitted successor) will pay all expenses of such SPS.

The FS may issue and sell to any SPS, at any time or from time to time in one or more series, unsecured subordinated debentures, unsecured promissory notes or other unsecured debt instruments (collectively, "Notes") governed by an indenture or other document, and such SPS will apply both the Equity Contribution made to it and the proceeds from the sale of Preferred Securities by it from time to time to purchase Notes. Alternatively, the FS may enter into a loan agreement or agreements with any SPS under which such SPS will loan to the FS (individually, a "Loan" and collectively, the "Loans") both the Equity Contribution to such SPS and the proceeds from the sale of the Preferred Securities by such SPS from time to time, and the FS will issue to such SPS Notes evidencing such borrowings.

Each Note will have a term of up to 50 years. Prior to maturity, the FS will pay interest only on the Notes at a rate equal to the dividend or distribution rate on the related series of Preferred Securities, which dividend or distribution rate may be either a fixed rate or an adjustable rate to be determined on a periodic basis by auction or remarketing procedures, in accordance with a formula or formulae

based upon certain reference rates, or by other predetermined methods. Such interest payments will constitute each respective SPS's only income and will be used by it to pay dividends or distributions on the Preferred Securities issued by it and dividends or distributions on the common stock or the general partnership or other common equity interests of such SPS.

Dividend payments or distributions on the Preferred Securities will be made on a monthly or other periodic basis and must be made to the extent that the SPS issuing such Preferred Securities has legally available funds and cash sufficient for such purposes. However, the FS may have the right to defer payment of interest on any issue of Notes for up to five or more years. Each SPS will have the parallel right to defer dividend payments or distributions on the related series of Preferred Securities for up to five or more years, provided that if dividends or distributions on the Preferred Securities of any series are not paid for up to 18 or more consecutive months, then the holders of the Preferred Securities of such series may have the right to appoint a trustee, special general partner or other special representative to enforce the SPS's rights under the related Note and Guaranty.

The dividend or distribution rates, payment dates, redemption and other similar provisions of each series of Preferred Securities will be substantially identical to the interest rates, payment dates, redemption and other provisions of the Note issued by the FS. The Preferred Securities may be convertible or exchangeable into common stock of AEP.

AEP or the FS also proposes to guarantee (collectively, the "Guaranties") (a) payment of dividends or distributions on the Preferred Securities of any SPS if and to the extent such SPS has funds legally available, (b) payments to the Preferred Securities holders of amounts due upon liquidation of such SPS or redemption of the Preferred Securities of such SPS, and (c) certain additional amounts that may be payable in respect of such Preferred Securities. AEP's credit will support any such Guaranty by the FS.

The Notes and related Guaranties will be subordinate to all other existing and future unsubordinated indebtedness for borrowed money of the FS or AEP, and may have no cross-default provisions with respect to other indebtedness of the FS or AEP. A default under any other outstanding indebtedness of the FS (or AEP) would not result in a default under any Note or Guaranty. However, AEP and/or the FS may be



prohibited from declaring and paying dividends on its outstanding capital stock and making payments in respect of *pari passu* debt unless all payments then due under the Notes and Guaranties (without giving effect to the deferral rights discussed above) have been made.

In the event of any voluntary or involuntary liquidation, dissolution or winding up of any SPS, the holders of the Preferred Securities of such SPS will be entitled to receive, out of the assets of such SPS available for distribution to its shareholders, partners or other owners, an amount equal to the par or stated value or liquidation preference of such Preferred Securities plus any accrued and unpaid dividends or distributions.

The distribution rate to be borne by the Preferred Securities and the interest rate on the Notes will not exceed the greater of (a) 300 basis points over U.S. Treasury securities having comparable maturities or (b) a gross spread over U.S. Treasury securities that is consistent with similar securities having comparable maturities and credit quality issued by other companies. Current market conditions suggest the costs for issuing long-term indebtedness with a three to five year maturity are less than or equal to the costs for issuing short-term indebtedness over the same time period.

### III. Debt Securities

AEP proposes that, in addition to, or as an alternative to, any Preferred Securities financing as described above, AEP and/or the FS may issue and sell notes directly to public or private investors without an intervening SPS ("Debt Securities"). Any notes so issued will be unsecured, may be either senior or subordinated obligations of AEP or the FS, as the case may be, may be convertible or exchangeable into common stock of AEP or Preferred Securities, and may have the benefit of a sinking fund. Debt Securities of the FS will have the benefit of a guarantee or other credit support by AEP. AEP will not issue the Debt Securities, either directly or through the FS, unless it has evaluated all relevant financial considerations (including, without limitation, the cost of equity capital) and has determined that to do so is preferable to issuing common stock or short-term debt. Current market conditions suggest the costs for issuing long-term indebtedness with a three to five year maturity are less than or equal to the costs for issuing short-term indebtedness over the same time period.

The interest rate on the Debt Securities will not exceed the greater of

(a) 300 basis points over U.S. Treasury securities having comparable maturities or (b) a gross spread over U.S. Treasury securities that is consistent with similar securities having comparable maturities and credit quality issued by other companies.

### IV. Stock Purchase Contracts and Stock Purchase Units

AEP or the FS may issue and sell to public or private investors from time to time stock purchase contracts ("Stock Purchase Contracts"), including contracts obligating holders to purchase from AEP, and AEP to sell the holders, a specified number of shares or aggregate offering price of common stock of AEP at a future date or dates up to ten years from the date of issuance. The consideration per share of common stock may be fixed at the time the Stock Purchase Contracts are issued or may be determined by reference to a specific formula set forth in the Stock Purchase Contracts. The Stock Purchase Contracts may be issued separately or as a part of units ("Stock Purchase Units") consisting of a Stock Purchase Contract and Debt Securities, Preferred Securities, or other debt obligations of third parties, including U.S. Treasury securities, securing holders' obligations to purchase the common stock of AEP under the Stock Purchase Contracts. The funds to purchase obligations would be provided by, and the interest income will be for the benefit of the investors. The Stock Purchase Contracts may require AEP or the FS to make periodic payments to the holders of the Stock Purchase Units or vice versa. Any such payments by AEP or the FS not to exceed 5% per annum, and such payments may be unsecured or prefunded on some basis. The Stock Purchase Contracts may require holders to secure their obligations in a specified manner, which may include the pledging of U.S. Treasury securities.

### V. Interest Rate Hedges

AEP request authorization for it and/or the FS to enter into interest rate hedging transactions with respect to existing indebtedness ("Interest Rate Hedges"), subject to certain limitations and restrictions, in order to reduce or manage interest rate cost or risk. Interest Rate Hedges will only be entered into with counterparties ("Approved Counterparties") whose senior debt ratings, or whose parent companies' senior debt ratings, as published by Standard and Poor's Ratings Group, are equal to or greater than BBB, or an equivalent rating from Moody's Investor's Service or Fitch Investor Service. Interest Rate Hedges will

involve the use of financial instruments and derivatives commonly used in today's capital markets, such as interest rate swaps, options, caps, collars, floors, and structured notes (*i.e.*, a debt instrument in which the principal and/or interest payments are indirectly linked to the value of an underlying asset or index), or transactions involving the purchase or sale, including short sales, of U.S. Treasury obligations. The transactions will be for fixed periods and stated notional amounts. In no case will the notional principal amount of any interest rate swap exceed that of the underlying debt instrument and related interest rate exposure. AEP and/or the FS will not engage in speculative transactions. Fees, commissions and other amounts payable to the counterparty or exchange (excluding, the swap or option payments) in connection with an Interest Rate Hedge will not exceed those generally obtainable in competitive markets for parties of comparable credit quality.

### VI. Anticipatory Hedges

In addition, AEP requests authorization for it and/or the FS to enter into interest rate hedging transactions with respect to anticipate debt offerings (the "Anticipatory Hedges"), subject to certain limitations and restrictions. Anticipatory Hedges will only be entered into with Approved Counterparties, and will be utilized to fix and/or limit the interest rate risk associated with any new issuance through: (a) A forward sale of exchange-traded U.S. Treasury futures contracts, U.S. Treasury obligations and/or a forward swap (each a "Forward Sale"); (b) the purchase of put options on U.S. Treasury obligations (a "Put Options Purchase"); (c) a Put Options Purchase in combination with the sale of call options on U.S. Treasury obligations (a "Zero Cost Collar"); (d) transactions involving the purchase or sale, including short sales, of U.S. Treasury obligations; or (e) some combination of a Forward Sale, Put Options Purchase, Zero Cost Collar and/or other derivative or cash transactions, including, but not limited to structured notes, options, caps and collars, appropriate for the Anticipatory Hedges. Anticipatory Hedges may be executed on-exchange ("On-Exchange Trades") with broker through the opening of futures and/or options positions traded on the Chicago Board of Trade or the Chicago Mercantile Exchange, the opening of over-the-counter positions with one or more counterparties ("Off-Exchange Trades"), or a combination of On-Exchange Trades and Off-Exchange Trades. AEP and/or the FS will



determine the optimal structure of each Anticipatory Hedge transaction at the time of execution. AEP may decide to lock in interest rates and/or limit its exposure to interest rate increases.

AEP represents that each Interest Rate Hedge and Anticipatory Hedge will qualify for hedge accounting treatment under generally accepted accounting principles. AEP will comply with the then existing financial disclosure requirements of the Financial Accounting Standards Board associated with hedging transactions.

#### VII. Use of Proceeds

The proceeds of any financing by the FS or any SPS will be remitted, paid as a dividend, loaned or otherwise transferred to AEP or its designee. The proceeds of the Preferred Securities, Debt Securities, Stock Purchase Contracts and Stock Purchase Units will be used to acquire the securities of associate companies and interests in other businesses, including interests in EWGs and FUCOs, or in any transactions permitted under the Act and for other general corporate purposes, including the reduction of short-term indebtedness. No proceeds will be used to purchase generation assets currently owned by AEP or any affiliate unless such purchase has been approved by order of the Commission pursuant to S.E.C. File No. 70-9785 or other similar application. AEP had approximately \$2.3 billion outstanding short-term indebtedness as of September 30, 2000. AEP represents that no financing proceeds will be used to acquire the equity securities of any company unless such acquisition has been approved by the Commission in this proceeding or in a separate proceeding or is in accordance with an available exemption under sections 32, 33, and 34 or rule 58 of the Act. AEP does not seek in this proceeding any increase in the amount it is permitted to invest in EWGs and FUCOs.

#### Allegheny Energy, Inc., et al. (70-9747)

Allegheny Energy, Inc., ("Allegheny"), a registered holding company, and Allegheny Energy Service Corporation ("AESC"), a service company subsidiary of Allegheny, both located at 10435 Downsview Pike, Hagerstown, Maryland 21740, Monongahela Power Company ("Monongahela Power"), a wholly owned combination gas and electric utility subsidiary of Allegheny, located at 1310 Fairmont Avenue, Fairmont, West Virginia 26554, and Allegheny Energy Supply Company, LLC ("Genco"), a wholly owned generating company subsidiary of Allegheny

located at R.R. 12, P.O. Box 1000, Greensburg, Pennsylvania 15601 (collectively, "Applicants"), have filed an application-declaration under sections 6(a), 7, 9(a), 10, 12(b), 12(c), 12(d) and 13(b) of the Act, and rules 43, 44, 45, 46, 54, 90 and 91 under the Act.

Monongahela Power, subject to obtaining the requisite regulatory approvals, intends to leave the generating business entirely. To accomplish this, Applicants request authority for Monongahela Power to transfer its electric generating business to Genco, which was organized to compete in deregulated, competitive electricity generation markets.<sup>1</sup> Specially, Applicants request authority for Monongahela Power to transfer to Genco, at net book value, Monongahela Power's undivided ownership interests in certain jointly held and certain wholly owned electric generating facilities ("Generating Assets"), current assets related to the Generating Assets ("Related Assets"), fuel, supplies and other inventory ("Inventory") and other related interests ("Other Interests") each of which is more particularly described below. In addition, Applicants request authority for Monongahela Power to transfer and for Genco to assume certain net liabilities and debt associated with the Generating Assets and Related Assets ("Related Liabilities").

The Generating Assets consist of the undivided ownership interests in the following generating facilities: A 25% interest in unit No. 1 and a 20% interest in Unit No. 2 of the Fort Martin Power station located in Maidsville, West Virginia; a 66% interest in the Albright Power Station located in Albright, West Virginia; a 25% interest in the Harrison Power Station located in Shinnston, West Virginia; a 27.5% interest in the Hatfield's Ferry Power Station located in Masontown, Pennsylvania; a 25% interest in the Pleasants Power Station, located in Saint Mary's, West Virginia; a 100% interest in the Willow Island Station located in Willow Island, West Virginia. Applicants state that the total net book value of the Generating Assets was approximately \$456.5 million as of December 31, 2000. Monongahela Power also intends to transfer Inventory to Genco.<sup>2</sup>

The Related Assets consist of current assets, deferred charges, cash, temporary cash investments and an undivided 27% ownership interest in the stock of Allegheny Generating Company

("AGC").<sup>3</sup> Applicants state that the net book value of the Related Assets was approximately \$52.2 million as of December 31, 2000. The Other Interests consist of a 3.5% ownership interest in the Ohio Valley Electric Corporation ("OVEC"), a public utility, and Monongahela Power's contractual rights and obligations under five agreements regarding the operation of five of the generating facilities included as Generating Assets.<sup>4</sup>

The Related Liabilities consist of accounts payable, accrued taxes, tax deferrals, pollution control bonds, solid waste bonds and other deferred credits related to the Generating Assets. Applicants state that the book value of the Related Liabilities was approximately \$253.9 million as of December 31, 2000. Applicants state that the Related Liabilities do not include Monongahela Power's first mortgage bonds. Applicants state that Monongahela Power expects to obtain a release from the lien of the first mortgage by certifying or pledging additional bondable property in an amount not less than the net book value of the Generating Assets, which could include remaining utility assets of Monongahela Power, and request authority to pledge those assets to obtain the described release.

To accomplish the proposed transfers, Applicants request authority to form two companies, MP Transferring Agent, LLC ("MP Transferring Agent"), a limited liability company and MP Genco ("MP Genco"), a corporation. Monongahela Power would acquire the ownership interests in MP Transferring Agent in exchange for an initial cash contribution of \$200,000, and MP Transferring Agent in exchange for an initial cash contribution of \$200,000, and MP Transferring Agent would acquire the interests in MP Genco for an initial cash contribution of \$100,000, with the contributions to be in the form of collateralized government obligations.

Monongahela Power would then transfer its undivided ownership interests in the Generating Assets, Related Assets, Related Liabilities, Inventory and Other Interests to MP Transferring Agent. MP Transferring Agent would issue an interest bearing unsecured promissory note to

<sup>3</sup> AGC, a Virginia corporation that is jointly owned by Genco and Monongahela Power, owns a 40% undivided interest in a pumped storage hydroelectric generating facility and related transmission facilities located in Bath County, Virginia, 73% of which ownership has already been transferred to Genco in the form of AGC stock interests.

<sup>4</sup> The Other Interests have a book value of zero.

<sup>1</sup> Genco is an electric utility company within the meaning of section 2(a)(3) of the Act.

<sup>2</sup> Applicants state that Monongahela Power would transfer the Inventory at net book value. Applicants state that the net book value of the Inventory was approximately \$33 million as of December 31, 2000.

Monongahela Power in an amount equal to the net book value of the Generating Assets and Inventory ("Purchase Note") in exchange for the transfer of these assets. In order to assure that MP Transferring Agent has sufficient assets to cover the principal amount of the Purchase Note and its accrued interest, Monongahela Power would issue a non-interest bearing note to MP Transferring Agent in an amount \$20 million greater than the Purchase Note as a capital contribution ("Liquidation Note"). In addition, Monongahela Power would issue a non-interest bearing promissory note to MP Transferring Agent in an amount constituting the difference between the net book values of the Related Assets and the Related Liabilities ("Balancing Note"), as an additional capital contribution.

MP Transferring Agent proposes to contribute the Generating Assets, Related Assets, Inventory and Other Interests to MP Genco, which would also assume the Related Liabilities. The Liquidation Note and Balancing Note would remain at MP Transferring Agent, as well as the Purchase Note obligation. MP Transferring Agent proposes to dividend its interests in MP Genco, the Balancing Note, and the Liquidation Note, net of the Purchase Note to Monongahela Power. Monongahela Power proposes to then dividend the MP Genco interests to Allegheny, after which MP Genco would merge with Genco. Applicants would then liquidate MP Transferring Agent.

Monongahela Power and Genco propose to enter into a debt assumption agreement under which Genco would assume the obligation for \$100 million in outstanding debt ("Debt Assumption Agreement"). Applicants note that the Debt Assumption Agreement is a result of Monongahela Power's first mortgage obligations, a portion of which relate to the Generating Assets being transferred. In addition, Applicants request authority for Monongahela Power and Genco to enter into leaseback, service and operating agreements with respect to the Generating Assets, until Genco obtains the necessary permits and licenses to operate the Generating Assets. These services would be rendered at cost, in accordance with rules 90 and 91 under the Act.

#### **Cinergy Corp. (70-9803)**

Cinergy Corp. ("Cinergy"), a registered holding company, 139 East Fourth Street, Cincinnati, Ohio 45202, has filed an application-declaration with the Commission under sections 6(a), 7, 9(a), 10 and 12(c) of the Act and rules 42 and 54 under the Act.

By order dated February 7, 1997, Holding Co. Act Release No. 26662 ("1997 Order"), the Commission authorized Cinergy to establish a nonutility subsidiary, Cinergy Solutions, to engage in nonutility energy-related businesses, directly or indirectly through its subsidiaries, in the United States and, with respect to certain of these activities, within and anywhere outside of the United States.<sup>5</sup> The Commission authorized Cinergy Solutions to market energy management services<sup>6</sup> ("Energy Management Services") and energy-related consulting services<sup>7</sup> ("Consulting Services") exclusively to nonassociate commercial/industrial customers and residential customers within and anywhere outside of the United States.

#### ***I. Energy Management Services, Consulting Services, Commodity Brokering and Marketing***

Cinergy now seeks authorization for its nonutility subsidiaries, in addition to Cinergy Solutions, to: (a) Market Energy

<sup>5</sup> The Commission reserved jurisdiction over the provision of asset management services, project development and ownership, and consumer services outside the United States, pending completion of the record.

<sup>6</sup> The 1997 Order defines Energy Management Services as: (a) Identification (through energy audits or otherwise) of energy and other resource (water, labor, maintenance, materials, etc.) cost reduction or efficiency opportunities; (b) design of facility and process modifications or enhancements to realize such opportunities; (c) management, or direct construction and installation, of energy conservation or efficiency equipment; (d) training of client personnel in the operation of equipment; (e) maintenance of energy systems; (f) design, management or direct construction and installation of new and retrofit heating, ventilating, and air conditioning; electrical and power systems, motors, pumps, lighting, water and plumbing systems, and related structures, to realize energy and other resource efficiency goals or to otherwise meet a customer's energy-related needs; (g) system commissioning (*i.e.*, monitoring the operation of an installed system to ensure that it meets design specifications); (h) reporting of system results; (i) design of energy conservation programs; (j) implementation of energy conservation programs; (k) provision of conditioned power services (*i.e.*, services designed to prevent, control or mitigate adverse effects of power disturbances on a customer's electrical system to ensure the level of power quality required by the customer, particularly with respect to sensitive electronic equipment); and (l) other similar or related activities.

<sup>7</sup> The 1997 Order defines Consulting Services as technical and consulting services involving technology assessments, power factor correction and harmonics mitigation analysis, commercialization of electro-technologies, meter reading and repair, rate schedule analysis and design, environmental services, engineering services, billing services including conjunctive billing, summary billing for customers with multiple locations and bill auditing, risk management services, communications systems, information system/data processing, system planning, strategic planning, finance, feasibility studies, and other similar or related services.

Management Services and Consulting Services anywhere in the world;<sup>8</sup> (b) broker and market energy commodities (including but not limited to electricity, natural gas and other combustible fuels) anywhere in the world; and (c) to invest up to \$1 billion over a ten-year period in nonutility energy-related assets located anywhere in the world that are incidental to and used to support their Energy Management Services and Consulting Services; in all cases without further Commission authorization.

Cinergy requests that the Commission reserve jurisdiction over Cinergy's proposal for: (a) Its nonutility subsidiaries to engage in the business of brokering and marketing energy commodities anywhere in the world outside of the United States and Canada; and (b) Cinergy to invest up to \$1 billion over a ten-year period in nonutility energy-related assets located anywhere in the world that are incidental to and used to support their Energy Management Services and Consulting Services.

#### ***II. Adjustments to Capital Securities of Subsidiaries***

Cinergy also requests authorization for Cinergy to change the terms of, or otherwise, adjust, the capital stock or any other equity securities of its wholly owned utility and nonutility subsidiaries' capital stock or other equity securities as it deems appropriate or necessary, without further Commission authorization. As examples, Cinergy states that it may convert a subsidiary's par value capital stock to no par value stock, to effect a reverse stock split, or change the total number of shares of capital securities it holds in a subsidiary while maintaining its percentage of ownership. Any change in capitalization will be subject to the approval of the State commission in the State in which the subsidiary is incorporated and doing business.

Cinergy requests that the Commission reserve jurisdiction over any of Cinergy's proposed adjustments to capital securities of subsidiaries that are not wholly owned by Cinergy.

#### ***Xcel Energy Inc. (70-9823)***

Xcel Energy Inc. ("Xcel"), 800 Nicollet Mall, Minneapolis, Minnesota 55402, a registered holding company, has filed an application-declaration under sections 6(a), 7, 9(a), 10 and 12(c) of the Act and rules 42, 46 and 54 under the Act.

<sup>8</sup> Cinergy states that this authority would supplement, not supercede, the authority granted in the 1997 Order.

Xcel request authority to implement a stockholder protection rights plan ("Plan") and related agreement creating the stockholder rights ("Rights Agreement"). The Plan is intended to maximize stockholder value due to opportunistic takeover proposals. Under the Plan, the board of directors of Xcel ("Board") would declare a dividend of one right ("Rights") for each outstanding share of Xcel common stock, par value \$2.50 per share ("Common Stock"), payable to all stockholders of record on the close of business in the tenth business day following the first public announcement by Xcel of the granting of an order by the Commission approving this application-declaration.

Each Right issued to a registered holder of Common Stock would, after the Right becomes exercisable, entitle the holder to purchase from Xcel one share of Common Stock at a price of \$95.00 per Right, subject to adjustment ("Exercise Price"). The Rights would not entitle the holders to make a discounted purchase of shares of Common Stock or the common stock of the person acquiring Xcel until the occurrence of one of the events described below. The Rights will expire at the close of business ten years from the date of the Rights Agreement, unless earlier redeemed exchanged by Xcel.

Until the earlier of the two dates described below ("Flip-In Date"), Rights would not be exercisable and would trade with the outstanding shares of Common Stock. One date occurs on the day the Board publicly announces (or a later date if the board so chooses) that a person or group ("Acquiring Person") has acquired beneficial ownership of 15% or more of the Common Stock. The second date occurs ten business days (unless extended by the Board) after any person or group has commenced a tender or exchange offer which would, upon its consummation, result in such person or group becoming an Acquiring Person.

After the Flip-In Date, the holders of the Rights would immediately have the right to receive, for each Right exercised, Common Stock having a market value equal to two times the Exercise Price then in effect. Under certain circumstances where Xcel is acquired in a business combination transaction with, or 50% or more of its assets or earning power is sold or transferred to, another person or entity ("Acquiror"), exercise of a Right will entitle its holder to receive common stock of the Acquiror having a market value equal to two times the Exercise Price then in effect. Rights beneficially owned by any Acquiring Person and

certain transferees of the Acquiring Person will be null and void.

The Rights may be redeemed, as a whole, at the discretion of the Board, at a Redemption Price of \$0.01 per Right, subject to adjustment, which will be paid, at Xcel's option, in cash, shares of Common Stock or other equivalent Xcel securities, at any time prior to the close of business on the date that any person has become an Acquiring Person.

At any time after a Flip-in Date and prior to the time that any person (other than Xcel and certain related entities), together with its affiliates and associates, becomes the beneficial owner of 50% or more of the outstanding shares of Common Stock, the Board may direct the exchange of shares of Common Stock for all of the Rights (other than Rights which have become void) at the exchange ratio of one share of Common Stock per right, subject to adjustment.

The Exercise Price payable, and the number of shares of Common Stock (or other securities, as the case may be) issuable upon exercise of the Rights are subject to adjustment from time to time to prevent dilution (a) in the event of a stock dividend on, or a subdivision or combination of, the Common Stock, or (b) upon the distribution to holders of the Common Stock of securities or assets (excluding regular periodic cash dividends) whether by dividend, reclassification, recapitalization or otherwise.

The terms of the Rights may be amended by the Board (a) prior to the Flip-in Date in any manner and (b) on or after the Flip-in Date to cure any ambiguity, to correct or supplement any provision of the Rights Agreement which may be defective or inconsistent with any other provisions, or in any manner not adversely affecting the interests of the holders of the Rights generally.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 01-6540 Filed 3-15-01; 8:45 am]

**BILLING CODE 8010-01-M**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-44055;  
File No. SR-Phlx-01-32]

### Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Trading of Options on Exchange Traded Fund Shares

March 8, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on March 5, 2001, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission "SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Phlx. The proposed rule change has been filed by the Phlx as a "non-controversial" rule change under Rule 19b-4(f)(6)<sup>3</sup> under the Act. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to amend Phlx Rule 1012, Commentary .05 by creating one point strike price intervals for options on Exchange-Traded Fund Shares. In addition, the Phlx proposes to amend Phlx Rule 101 to establish the hours of trading for options on the Nasdaq-100 Index Tracking Stock, a particular class of options on Exchange-Traded Fund Shares,<sup>4</sup> from 9:30 AM to

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 17 CFR 240.19b-4(f)(6).

<sup>4</sup> The Nasdaq-100®, Nasdaq-100 Index®, and Nasdaq® are trade or service marks of The Nasdaq Stock Market, Inc. (with its affiliates, the "Corporations") and are licensed for use by the Exchange. Options on Nasdaq-100 Index Tracking Stock (the "Products") have not been passed on by the Corporations as to their legality or suitability. The Products are not issued, endorsed, sold, or promoted by the Corporations. The Corporations make no warranties and bear no liability with respect to the Products. The Corporations do not guarantee the accuracy and/or uninterrupted calculation of the Nasdaq-100 Index® or any data included therein. The Corporations make no warranty, express or implied, as to results to be obtained by Licensee, owners of the Products, or any other person or entity from the use of the Nasdaq-100 Index® or any data included therein. The Corporations make no express or implied warranties, and expressly disclaim all warranties of merchantability or fitness for a particular purpose or use with respect to the Nasdaq-100 Index® or any data included therein. Without limiting any of the foregoing, in no event shall the Corporations have any liability for any lost profits or special,

4:15 PM Eastern Standard Time ("EST"), except the last trading day of each calendar month, when trading in options on Nasdaq-100 Index Tracking Stock will end at 4:05 PM EST. Below is the text of the proposed rule change. Proposed new language is *italicized*; proposed deletions are in brackets.

\* \* \* \* \*

#### Rule 101. Hours of Business

##### *Supplementary Material*

.01 *Options Trading after 4:02 PM.* A trading rotation in any class of option contracts may be effected even though employment of the rotation will result in the transaction on the Exchange after 4:02 P.M. provided such rotation is conducted pursuant to Rule 1047 or Rule 1047A. *The hours of trading for Options on Nasdaq-100 Index Tracking Stock shall commence at 9:30 AM and end at 4:15 PM, each business day, except the last trading day of each calendar month, when trading in Options on Nasdaq-100 Index tracking Stock will end at 4:05 PM.*

.02-.03 No Change.

#### Rule 1012. Series of Options Open for Trading

(a)-(d) No Change.

##### Commentary

.01-.04 No Change.

.05.

(a) The interval of strike prices of series of options on individual stocks [or Exchange-Traded Fund Shares] will be \$2.50 or greater where the strike price is \$25 or less, \$5.00 or greater where the strike price is greater than \$25 but less than \$200, and \$10 or greater where the strike price is \$200 or more, except as provided in paragraph (b) below. *The interval of strike prices of series of options on Exchange-Traded Fund Shares will be \$1 or greater where the strike price is \$200 or less.*<sup>5</sup>

(b) The Exchange may select up to a specified number of its listed options on individual stocks [or Exchange-Traded Fund Shares] for which the interval of strike prices will be \$2.50 where the strike price is greater than \$25 but less than \$50. In addition to those options selected by the Exchange, the strike price interval may be \$2.50 in any multiply-traded option once another

exchange trading that option selects such option, as part of this program.

\* \* \* \* \*

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Phlx included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Phlx has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

##### *A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

###### 1. Purpose

The purpose of the proposed rule change is to provide one point strike price intervals for options on Exchange-Traded Fund Shares and to establish the hours of trading in options on the Nasdaq-100 Index Tracking Stock from 9:30 AM to 4:15 PM EST, except the last trading day of each calendar month, when trading in options on the Nasdaq-100 Index Tracking Stock will end at 4:05 PM EST.

The Phlx received approval by the Commission to trade options on Exchange-Traded Fund Shares on February 2, 2001.<sup>6</sup> The Phlx proposes to amend Rule 1012, Commentary .05 regarding strike price intervals for options on Exchange-Traded Fund Shares to bracket the Fund Shares at one point intervals up to a share price of \$200. This proposed amendment is consistent with the strike price interval established for options on Exchange-Traded Fund Shares on the American Stock Exchange LLC ("Amex").<sup>7</sup>

Additionally, the Phlx proposes to amend its hours of business<sup>8</sup> to trade options on the Nasdaq-100 Index Tracking Stock from 9:30 AM to 4:15 PM EST, except that last trading day of a calendar month, when trading in Options on the Nasdaq-100 Index Tracking Stock will end at 4:05 PM EST. These hours are consistent with the trading of Options on Nasdaq-100 Index Tracking Stock on Amex.

The Phlx believes that these amendments should increase investor protection by allowing Options on Exchange-Traded Fund Shares and, in particular, options on the Nasdaq-100 Index Tracking Stock to trade at the same strike price intervals and trading hours on the Phlx as on other exchanges. Further, the Phlx believes that these amendments do not impose any significant burden on competition because these amendments further enable the Phlx to compete with other exchanges in these products.

###### 2. Statutory Basis

The Phlx believes that the proposed amendments should assist in allowing the Exchange to offer investors another choice of venue to conduct trading in these products. Thus, the Phlx believes that the proposed rule change is consistent with Section 6(b)(5) of the Act<sup>9</sup> in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

##### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Phlx believes that the proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

##### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

The Phlx has neither solicited nor received any written comments on the proposed rule change.

#### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative for 30 days from the date of filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest; provided that the Phlx has given written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing the rule change, or such shorter time as

incidental, punitive, indirect, or consequential damages, even if notified of the possibility of such damages.

<sup>5</sup> As per a telephone conversation between Edith Hallahan, First Vice President, Deputy General Counsel, Phlx, and Heather Traeger and Lisa Jones, Attorneys, Division of Market Regulation, Commission, March 8, 2001, the Commission corrected a typographical error that appeared in the proposed rule language.

<sup>6</sup> See Securities Exchange Act Release No. 43921 (February 2, 2001), 65 FR 9739 (February 9, 2001) (Order approving SR-Phlx-00-107).

<sup>7</sup> See Securities Exchange Act Release No. 40157 (July 1, 1998), 63 FR 37426 (July 10, 1998) (Order approving SR-Amex-96-44).

<sup>8</sup> Phlx Rule 101.

<sup>9</sup> 15 U.S.C. 78f(b)(5).

designated by the Commission, the proposed rule change has become effective pursuant to section 19(b)(3)(A)<sup>10</sup> of the Act and Rule 19b-4(f)(6)<sup>11</sup> thereunder.<sup>12</sup>

A proposed rule change filed under Rule 19b-4(f)(6) may not become operative prior to 30 days after the date of filing. However, Rule 19b-4(f)(6)(iii) permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Phlx has requested that the Commission accelerate the operative date to March 8, 2001. The Commission finds that accelerating the operative date of the proposed rule change to enable the Phlx to compete with other exchanges in these products and provide investors with an additional venue to trade these products is consistent with the protection of investors and the public interest, and thus designates March 8, 2001 as the operative date of this filing.<sup>13</sup>

#### IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx.

All submissions should refer to File No. SR-Phlx-01-32 and should be submitted by April 6, 2001.

<sup>10</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>11</sup> 17 CFR 240.19b-4(f)(6).

<sup>12</sup> The Phlx has requested and the Commission has agreed to waive the five day pre-filing notice equipment.

<sup>13</sup> For the purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rules impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

For the Commission by the Division of Market Regulation, pursuant to delegated authority.

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 01-6541 Filed 3-15-01; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-44057;  
File No. SR-Phlx-01-03]

### Self-Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of That Portion of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to the prohibition Against Harassment and Certain Similar Improper Trading Practices in the Exchange Codes of Conduct

March 9, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on January 11, 2001, the Philadelphia Stock Exchange, Inc. ("Phlx" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I and II below, which Items have been prepared by the Phlx. The Commission is publishing this notice to solicit comments on the proposed rule changes from interested persons and to approve on an accelerated basis the portion of the proposal prohibiting harassment and certain other improper conduct.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to file its Employee Code of Conduct and its Code of Conduct for Board Members and Committee Members (collectively "Codes of Conduct"). The Phlx proposes to incorporate in its Codes of Conduct language similar in import to that of proposed new Commentary .01 ("Prohibition Against Harassment") to Exchange Rule 707 ("Just and Equitable Principles of Trade").<sup>3</sup>

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> On November 13, 2000, the Exchange filed SR-Phlx-00-94, which added proposed new Commentary .01 to Exchange Rule 707 regarding prohibition against harassment and other improper behavior because of listing or competitive practices. Simultaneously with this filing, the Exchange filed SR-Phlx-01-02, which adds proposed Commentary .02 to Exchange Rule 1009 regarding listing procedures and is currently pending with the Commission. These three filings are being done in

The text of the proposed rule change is available at the Phlx or the Commission.

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Phlx included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The Phlx has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

#### 1. Purpose

The Exchange has long insisted that members of the Boards of Governors of the Exchange and its subsidiaries, committee members of the Exchange and its subsidiaries, and employees, officers, and agents of the Exchange and its subsidiaries ("Covered Persons") observe the highest standards of business ethics and fair dealing. The Exchange has therefore had an Employee Code of Conduct and a Code of Conduct of Board Members and Committee Members. The Exchange is now proposing to file these Codes of Conduct, which contain new proposed anti-harassment language similar to Commentary .01 of Rule 707, with the Commission.<sup>4</sup>

The Phlx proposes to amend the Codes of Conduct to state that Covered Persons may not directly or indirectly threaten, harass, intimidate, refuse to deal with, or retaliate against any member, member organization, person associated with or employed by a member or member organization, or other market participant because such person or entity has: (a) Made a proposal to any exchange or other market to list or trade any option class; (b) advocated or proposed to list or trade

order to, among other things, fulfill Securities and Exchange Commission requirements pursuant to In the Matter of Certain Activities of Options Exchanges, Securities Exchange Act Release No. 43268 (September 11, 2000). Although proposed by the Phlx as part of this filing, the Commission is not considering at this time proposed procedures for the listing of new options classes. Instead, the Phlx's proposed listing procedures will be considered pursuant to File No. SR-Phlx-01-02.

<sup>4</sup> The Commission has directed the options markets to implement rules and codes of conduct regarding the type of behavior described herein. See Securities Exchange Act Release No. 43268, *supra* note 3.

an option class on any exchange or other market; (c) commenced making a market in or trading any option class on any exchange or other market; (d) sought to increase the capacity of any options exchange or the options industry to disseminate quote or trade data; (e) sought to introduce new option products; or (f) acted, or sought to act, competitively.

The Codes of Conduct also would generally discuss certain practices that may improperly affect competition and the need to discuss certain issues with the Exchange's Antitrust Compliance Officer. The proposed language would specifically prohibit agreements with employees or members of any other exchange; that any option class shall be traded exclusively on any one exchange; to allocate trading of any option class or classes between or among exchanges; or to require, prevent or limit the listing, delisting, or trading of any option class.<sup>5</sup>

The purpose of adding the new proposed language prohibiting harassment for listing and competitive conduct in the Codes of Conduct is to extend to Covered Persons the Exchange's codification, in File No. SR-Phlx-00-94, of existing Exchange policy prohibiting harassment and intimidation on its trading floors and certain other similar improper trading practices.

While the Exchange has no rule that specifically prohibits conduct such as harassment or intimidation because of listing or competitive practices, the Phlx has long taken the position that harassing or intimidating behavior on its trading floors is inconsistent with just and equitable principles of trade in violation of Exchange Rule 707 and is detrimental to the interest and welfare of the Exchange in violation of Exchange Rule 708. The Exchange has therefore brought disciplinary actions, in furtherance of its obligations as a self-regulatory organization, involving violations of Exchange Rules 707 and 708. In order to emphasize the importance to Phlx members and reinforce the Exchange's prohibition of any such conduct, the Exchange has codified, in Commentary .01 to Rule 707, in File No. SR-Phlx-00-94, the prohibition against harassment, intimidation, or retaliation because of listing or competitive practices. The Exchange wants to similarly emphasize to Covered Persons the import of this

prohibition by including it in the Codes of Conduct applicable to such persons.

In addition, the Phlx believes that the conduct prohibited in the Codes of Conduct may be fundamentally inconsistent with the obligations of Covered Persons, and contrary to the best interests of the Exchange.

## 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act<sup>6</sup> in general, and furthers the objectives of Section 6(b)(5)<sup>7</sup> in particular, in that it is designed to prevent improper actions by members of the Boards of Governors of the Exchange and its subsidiaries, committee members of the Exchange and its subsidiaries, and employees, officers, and agents of the Exchange and its subsidiaries by prohibiting them from engaging in harassment and other improper behavior because of listing or competitive practices.

### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Phlx does not believe that the proposed rule change will impose any inappropriate burden on competition.

### *C. Self-Regulatory Organization's Statement on Comments on Comments on the Proposed Rule Change Received From Members, Participants or Others*

The Phlx has neither solicited nor received written comments on the proposed rule change.

## III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at

the principal office of the Phlx. All submissions should refer to File No. SR-Phlx-01-03 and should be submitted by April 16, 2001.

## IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the portion of the proposed rule change prohibiting harassment and other improper conduct is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange,<sup>8</sup> and in particular, with the requirements of Section 6 of the Act.<sup>9</sup> Specifically, the Commission finds that the portion of the proposal prohibiting harassment and other improper conduct is consistent with Sections 6(b)(5) of the Act<sup>10</sup> in that it is designed to codify the Exchange's prohibition against harassment and improper practices in a manner that promotes just and equitable principles of trade, prevents fraudulent and manipulative acts and practices, maintains fair and orderly markets, and protects investors and the public interest.

The Phlx's new proposed language prohibiting harassment and other similar improper conduct for listing and competitive actions in the Codes of Conduct is intended to extend to Covered Persons the Exchange's codification of existing Exchange policy prohibiting harassment and intimidation on its trading floors and certain other similar improper trading practices contained in Commentary .01 to Phlx Rule 707. These sections provide generally that it is conduct inconsistent with just and equitable principles of trade for Covered Persons to engage in harassing and certain improper retaliatory actions as a result of another market participant's listing or competitive behavior. The Commission believes that this codification of existing policy in Phlx's Codes of Conduct is a reasonable means to ensure that the existing prohibitions against harassment and other similar improper conduct are extended to members of the Boards of Governors of the Exchange and its subsidiaries, committee members of the Exchange and its subsidiaries, and employees, officers, and agents of the Exchange and its subsidiaries.

The Commission finds good cause for approving the portion of the proposed rule change prohibiting harassment and

<sup>5</sup> The Exchange recognizes that Covered Persons may engage in inter-exchange discussions properly authorized by the Commission (e.g., commission-authorized capacity mitigation discussions, which may include discussions about mitigation strategies such as delisting options).

<sup>6</sup> 15 U.S.C. 78f(b).

<sup>7</sup> 15 U.S.C. 78f(b)(5).

<sup>8</sup> In approving this rule, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

<sup>9</sup> 15 U.S.C. 78f.

<sup>10</sup> 15 U.S.C. 78f(b)(5).

other similar improper conduct prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**. The Commission notes that the portion of the proposed rule change prohibiting harassment and other similar improper conduct is based on Commentary .01 to Phlx Rule 707, which the Commission approved previously.<sup>11</sup> The Commission also observes that that portion of the proposed rule change concerns issues that previously have been the subject of a full comment period pursuant to Section 19(b) of the Act.<sup>12</sup> The Commission does not believe that the portion of the proposed rule change prohibiting harassment and other similar improper conduct raises novel regulatory issues that were not addressed in the previous filing. Accordingly, the Commission finds that there is good cause, consistent with Section 19(b)(2) of the Act,<sup>13</sup> to approve the portion of the proposal prohibiting harassment and other similar improper conduct on an accelerated basis.

It is Therefore Ordered, pursuant to Section 19(b)(2) of the Act, that the portion of the proposed rule change prohibiting harassment and other similar improper conduct (SR-Phlx-01-03), is approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>14</sup>

**Margaret H. McFarland,**  
Deputy Secretary.

[FR Doc. 01-6542 Filed 3-15-01; 8:45 am]

BILLING CODE 8010-01-M

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-44054;  
File No. SR-Phlx-01-31]

### Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Increasing the AUTO-X Guarantee for Orders in Options Overlying the NASDAQ 100 Index Tracking Stock ("QQQ") to 100 Contracts

March 8, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup>

<sup>11</sup> See Securities Exchange Act Release No. 43989 (February 20, 2001), 66 FR 12581 (February 27, 2001) (File No. SR-Phlx-00-94).

<sup>12</sup> 15 U.S.C. 78s(b).

<sup>13</sup> 15 U.S.C. 78s(b)(2).

<sup>14</sup> 17 CFR 200.30-3(a)(12).

<sup>15</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

notice is hereby given that on March 5, 2001, the Philadelphia Stock Exchange, Inc. ("Exchange" or "Phlx") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Phlx. The proposed rule change has been filed by the Phlx as a "non-controversial" rule change under Rule 19b-4(f)(6) under the Act.<sup>3</sup> The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to increase its automatic execution guarantee for options overlying the NASDAQ 100 Index Tracking Stock ("QQQ") to 100 contracts.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Phlx included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Phlx has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

AUTOM is the Exchange's electronic order routing, delivery, execution, and reporting system for options.<sup>4</sup> Orders are routed from member firms directly to the appropriate specialist on the trading floor. Certain orders are eligible for AUTOM's automatic executive feature, AUTO-X. These orders, generally for up to a maximum of seventy-five contracts,<sup>5</sup> are automatically executed at the disseminated quotation price on the Exchange and reported back to the originating firm.<sup>6</sup> The Exchange proposes to establish a 100 contract AUTO-X guarantee for eligible orders in

options delivered via AUTOM overlying the QQQ.

Exchange Rule 1080(c) provides that the Options Committee may, in its discretion, increase the size of orders in one or more classes of multiply-traded equity options eligible for AUTO-X execution to the extent necessary to match the size of orders in the same options eligible for entry into the automated execution system of any other options exchange, provided that the effectiveness of any such increase shall be conditioned upon its having been filed with the Commission pursuant to section 19(b)(3)(A) of the Act.<sup>7</sup>

The Exchange notes that the American Stock Exchange LLC ("Amex") recently increased its AUTO-X guarantee for options overlying the QQQ to 100 contracts.<sup>8</sup> The Phlx certified the same options on February 26, 2001 and is filing this proposed rule change to match the size of orders in options overlying QQQ on the Amex.

The Exchange believes that the increase should provide customers with quicker executions for a larger number of orders in QQQ options by providing automatic rather than manual executions, thereby reducing the number of orders subject to manual processing. The Exchange also believes that increasing the AUTO-X maximum order size in QQQ options should not impose a significant burden on operation or capacity of the AUTOM System.

###### 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b) of the Act<sup>9</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act<sup>10</sup> in particular, because it is designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest by providing automatic

<sup>7</sup> *Id.*

<sup>8</sup> See Securities Exchange Act Release No. 43887 (January 25, 2001), 66 FR 8831 (February 2, 2001) (File Nos. SR-PCX-00-18 and SR-Amex-00-57) (joint approval order increasing to 100 contracts the maximum size for options orders that may be automatically executed); and see Amex Information Circular #01-0183 (February 27, 2001) (indicating that, as of February 28, 2001, the maximum order size eligible for automatic execution for QQQ options in Auto-Ex was being increased from 75 to 100 contracts).

<sup>9</sup> 15 U.S.C. 78f(b).

<sup>10</sup> 15 U.S.C. 78f(b)(5).

<sup>3</sup> 17 CFR 240.19b-4(f)(6).

<sup>4</sup> See Exchange Rule 1080(a).

<sup>5</sup> See Exchange Rule 1080(b)(i).

<sup>6</sup> See Exchange Rule 1080(c).



executions to a larger number of options orders.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange believes that the proposed rule change will not impose any inappropriate burden on competition.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others*

No written comments were either solicited or received.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

Because the foregoing proposed rule change: (1) Does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative for 30 days from the date filing, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest; provided that the Phlx has given written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing the rule change, or such shorter time as designated by the Commission, the proposed rule change has become effective pursuant to Section 19(b)(3)(A)<sup>11</sup> of the Act and Rule 19b-4(f)(6)<sup>12</sup> thereunder.<sup>13</sup>

A proposed rule change filed under Rule 19b-4(f)(6) may not become operative prior to 30 days after the date of filing. However, Rule 19b-4(f)(6)(iii) permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Phlx seeks to have the proposed rule change become operative immediately to allow the Phlx to begin automatically executing up to 100 contracts for the QQQ options.

The Commission believes that it is consistent with the protection of investors and the public interest that the proposed rule change become operative as of March 8, 2001, because investors will have access to automatic execution for a larger number of options orders.<sup>14</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the forgoing, including whether the proposed rule change is consistent with the Act. Persons making writing submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR-Phlx-01-31 and should be submitted by April 6, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>15</sup>

**Margaret H. McFarland,**

*Deputy Secretary.*

[FR Doc. 01-6543 Filed 3-15-01; 8:45 am]

**BILLING CODE 8010-01-M**

### **SMALL BUSINESS ADMINISTRATION**

**[Applicant No. 99000436]**

#### **Windamere Capital Ventures, L.P. Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest**

Notice is hereby given that Windamere Capital Ventures, L.P., 12230 El Camino Real, Suite 300 San Diego California 92130, an applicant for a Federal License under the Small Business Investment Act of 1958, as amended ("the Act"), in connection

efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

<sup>15</sup> 17 CFR 200.30-3(a)(12).

with the financing of a small concern, has sought an exemption under section 312 of the Act and section 107.730, Financials which Constitute Conflicts of Interest of the Small Business Administration ("SBA") rules and regulations (13 CFR 107.730 (2000)). Windamere Capital Ventures, L.P. proposes to provide equity financing to Santarus, Inc., 12230 El Camino Real, Suite 300B San Diego California 92130. The financing is contemplated for patent license payment for new product, pre-clinical and clinical product development.

The financing is brought within the purview of Sec. 107.730(a)(1) of the Regulations because Windamere, LLC and Windamere Venture Partners, Associates of Windamere Capital Ventures, L.P., currently own greater than 10 percent of Santarus, Inc. and therefore Santarus, Inc. is considered an Associate of Windamere Capital Ventures, L.P., as defined in § 107.50 of the regulations.

Notice is hereby given that any interested person may submit written comments on the transaction to the Associate Administrator for Investment, U.S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

Dated: March 6, 2001.

**Harry E. Haskins,**

*Acting Associate Administrator for Investment.*

[FR Doc. 01-6507 Filed 3-15-01; 8:45 am]

**BILLING CODE 8025-01-P**

### **SMALL BUSINESS ADMINISTRATION**

#### **Region IV Georgia District Advisory Council; Public Meeting**

The U. S. Small Business Administration, Region IV Georgia District Advisory Council, will hold a public meeting on Friday, April 20, 2001, at 9 a.m., at the Sheraton Hotel, 5351 Simons Boulevard, Columbus, Georgia 31904; to discuss such matters as may be presented by members, staff of the U. S. Small Business Administration, or others present. For further information, write or call Mr. Charles E. Anderson, District Director, U.S. Small Business Administration, 233 Peachtree Street, NE, Suite 1900, Atlanta, Georgia 30303; (404) 331-0266.

**Nancyellen Gentile,**

*Committee Management Officer.*

[FR Doc. 01-6596 Filed 3-15-01; 8:45 am]

**BILLING CODE 8025-01-U**

<sup>11</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>12</sup> 17 CFR 240.19b-4(f)(6).

<sup>13</sup> The Exchange has requested and the Commission has agreed to waive the five day pre-filing notice requirement.

<sup>14</sup> For purposes only for accelerating the operative date of third proposal, the Commission has considered the proposed rule's impact on



**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****Notice of a Finding of No Significant Impact, Record of Decision and Environmental Assessment for Proposed Actions Relating to a Noise Abatement Departure Procedure at Sarasota Bradenton International Airport**

**AGENCY:** Federal Aviation Administration.

**ACTION:** Finding of no significant impact record of decision.

**SUMMARY:** On March 8, 2001, the Federal Aviation Administration (FAA) approved a Finding of No Significant Impact and Record of Decision (FONSI/ROD) for a proposed noise-abatement departure procedure at Sarasota Bradenton International Airport. The change in departure procedures was requested by the Sarasota Manatee Airport Authority to achieve noise level reductions over the neighboring community in Manatee County north of the airport. The proposed actions include turning aircraft departing Runway 32 over land-use areas northwest of the airport that are more compatible with the noise emissions of aircraft, and avoiding new significant residential noise impacts. The FONSI/ROD was approved after the FAA evaluated the potential benefits and impacts of nine alternatives in an Environmental Assessment.

Issued in College Park, Georgia on March 8, 2001.

**Benny L. McGlamery,**

*Acting Manager, Air Traffic Division, Federal Aviation Administration, Southern Region.*

[FR Doc. 01-6532 Filed 3-15-01; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****Research, Engineering and Development (R,E&D) Advisory Committee; Meeting**

Pursuant to section 10(A)(2) of the Federal Advisory Committee Act (Public Law 92-463; 5 U.S.C. App. 2), notice is hereby given of a meeting of the FAA Research, Engineering and Development (R,E&D) Advisory Committee.

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Notice of meeting.

*Name:* Research, Engineering & Development Advisory Committee.

*Time and Date:* April 17-9 a.m.-5 p.m.; April 18-8 a.m.-3 p.m.

*Place:* Holiday Inn Rosslyn Westpark Hotel, 1900 North Fort Myer Drive, Arlington, Virginia 22209.

*Purpose:* The meeting agenda will include receiving recommendations from the standing Subcommittees on FAA's research and development investments for fiscal year 2003 in the areas of air traffic services, airports, aircraft safety, security, human factors and environment and energy. The Federal Transportation Advisory Group plans to present its report "Vision 2050: An Integrated Transportation System." The Small Aircraft Transportation (SATS) ad hoc Subcommittee and the Tiltrotor and Advanced Rotorcraft Technology in the NAS ad hoc Subcommittee will also present reports.

Attendance is open to the interested public but limited to space available. Persons wishing to attend the meeting or obtain information should contact Gloria Dunderman at the Federal Aviation Administration, AAR-200, 800 Independence Avenue, SW, Washington, DC 20591 (202) 267-8937. Please inform us if you are in need of assistance or require a reasonable accommodation for this meeting.

Members of the public may present a written statement to the Committee at any time.

Issued in Washington, DC on March 9, 2001.

**Herman A. Rediess,**

*Director, Office of Aviation Research.*

[FR Doc. 01-6533 Filed 3-15-01; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF TRANSPORTATION****Federal Aviation Administration****RTCA, Inc; Government Industry Free Flight Steering Committee**

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463, 5 U.S.C., Appendix 2), notice is hereby given for an RTCA Government/Industry Free Flight Steering Committee meeting to be held April 2-6, 2001, starting at 9 a.m. The meeting will be held at EUROCONTROL, Rue de la Fusee, 96, B-1130, Brussels, Belgium.

The agenda will include: April 2: Plenary Session: (1) Welcome and Introductory Remarks; (2) Review Agenda; (3) Review Previous Meeting Minutes; (4) Presentations; (5) Sub-group (Terrain and Obstacle Databases); (a) Review Previous Meeting Minutes; (b) Review Action of Previous Meeting; (c) Presentation; (d) Review Draft Document; April 3: (6) Continue Sub-group 2 (Terrain and Obstacle Databases); April 4: (7) Sub-group 3 (Airport Databases); (e) Review Previous Meeting Minutes; (f) Review Action of

Previous Meeting; (g) Presentations; (h) Review Draft Document; April 5: (8) Continue Sub-group 3 (Airport Databases); April 6: Closing Plenary Session; (9) Review Summary of SG-2 (Terrain and Obstacles) and 3 (Airport Databases); (10) Assign Task; (11) Other Business; (12) Date and Location of Next Meeting; (13) Closing.

Attendance is open to the interested public but limited to space availability. With the approval of the co-chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA, Inc., at (202) 833-9339 (phone), (202) 833-9434 (facsimile).

Issued in Washington, DC on March 8, 2001.

**Jane P. Caldwell,**

*Designated Official.*

[FR Doc. 01-6506 Filed 3-15-01; 8:45 am]

**BILLING CODE 4910-13-M**

**DEPARTMENT OF TRANSPORTATION****Federal Highway Administration**

**[Docket No. FHWA-2001-9024]**

**Agency Information Collection Activities; Request for Comments; Renewed Approval of Five Information Collections**

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval to renew the five information collections which are summarized below under Supplementary Information. We are required by the Paperwork Reduction Act of 1995 to publish this notice in the **Federal Register**.

**DATES:** Please submit comments by May 15, 2001.

**ADDRESSES:** You may mail or hand deliver comments to the U.S. Department of Transportation, Dockets Management Facility, Room PL-401, 400 Seventh Street, SW., Washington, DC 20590; telefax comments to 202/493-2251; or submit electronically at <http://dmses.dot.gov/submit>. All comments should include the docket number in this notice's heading as well as the OMB control number referencing the specific information collection that is being addressed. All comments may be examined and copied at the above address from 9 a.m. to 5 p.m., Monday

through Friday, except Federal holidays. If you desire a receipt you must include a self-addressed, stamped envelope or postcard or, if you submit your comments electronically, you may print the acknowledgment page.

**PUBLIC COMMENTS INVITED:** You are asked to comment on any aspect of these information collections, including: (1) Whether the proposed collections are necessary for the FHWA's performance; (2) the accuracy of estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that burdens could be minimized, including use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of these information collections.

**SUPPLEMENTARY INFORMATION:**

1. *Title:* Voucher for Federal-aid Reimbursements.

*OMB Control Number:* 2125-0507 (Expiration Date: September 30, 2001).

*Abstract:* The Federal-aid Highway Program includes provisions for the reimbursement to States for expenditure of State funds for eligible Federal-aid highway projects. The Voucher for Work Performed Under Provisions of the Federal-Aid and Federal Highway Acts, As Amended (Form PR-20) is utilized by the States to provide project financial data regarding the expenditure of State funds and to request progress payments from the FHWA.

*Respondents:* 50 State Transportation Departments, the District of Columbia, Puerto Rico, Guam, American Samoa, and the Virgin Islands.

*Estimated Total Annual Burden:* Approximately 11,800 vouchers per year. Each voucher requires an estimated 30 minutes completion time. The total annual burden for all respondents is estimated to be 5,910 hours.

**FOR FURTHER INFORMATION CONTACT:** Ms. Debbie Barger, 202-366-2877, Department of Transportation, Federal Highway Administration, Office of Budget and Finance, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

2. *Title:* Develop and Submit Utility Accommodation Policies.

*OMB Control Number:* 2125-0514 (Expiration Date: September 30, 2001).

*Abstract:* State Departments of Transportation are required to develop and submit to FHWA a policy statement on the authority of utilities to use and occupy highway rights-of-way; the

State's authority to regulate such use; and the policies and/or procedures employed for accommodating utilities within the rights-of-way of Federal-aid highway projects. Upon FHWA's approval of the policy statement, the State DOT may take any action required in accordance with the approved policy statement without case-by-case review by the FHWA. In addition, the utility accommodation policy statements that have been approved previously by the FHWA are periodically reviewed by the State DOTs to determine if updating is necessary to reflect policy changes.

*Respondents:* 52 State Transportation Departments, including the District of Columbia and Puerto Rico.

*Frequency:* Once initially, then updates for review as required at the States' discretion.

*Estimated Total Annual Burden:* The average burden for updating an existing policy is 280 hours per response. The estimated total annual burden, based upon an estimated 10 updates per year, is 2,800 hours.

*For Further Information Contact:* Mr. Paul Scott, 202-366-4104, Department of Transportation, Federal Highway Administration, Infrastructure Core Business Unit, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

3. *Title:* Eligibility Statement for Utility Adjustments.

*OMB Control Number:* 2125-0515 (Expiration Date: September 30, 2001).

*Abstract:* State Departments of Transportation are required to submit to the FHWA a statement which establishes the State DOT's legal authority or obligation to pay for utility adjustments. The FHWA has previously reviewed and approved these eligibility statements for each State DOT. The statements are used as a basis for Federal-aid reimbursement in utility relocation costs under the provisions of 23 U.S.C. 123. Updated statements may be submitted for review at the States' discretion where circumstances have modified (for example, a change in State statute) the extent to which utility adjustments are eligible for reimbursement by the State or those instances where a local State DOT's legal basis for payment of utility adjustments differs from that of the State.

*Respondents:* 52 State Transportation Departments, including the District of Columbia and Puerto Rico.

*Frequency:* Once initially, then updates for review as required at the States' discretion.

*Estimated Total Annual Burden:* The average burden for preparing and

submitting an updated eligibility statement is 36 hours per response. The estimated total annual burden, based upon 5 updated eligibility statements per year, is 180 hours.

**FOR FURTHER INFORMATION CONTACT:** Mr. Paul Scott, 202-366-4104, Department of Transportation, Federal Highway Administration, Infrastructure Core Business Unit, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

4. *Title:* Certificate of Enforcement of Heavy Vehicle Use Tax.

*OMB Control Number:* 2125-0541 (Expiration Date: September 30, 2001).

*Abstract:* Title 23, United States Code, Section 141(d), provides that a State's apportionment of funds under 23 U.S.C. 104(b)(5) shall be reduced in an amount up to 25 percent of the amount to be apportioned during any fiscal year beginning after September 30, 1984, if vehicles subject to the Federal heavy vehicle use tax are lawfully registered in the State without having presented proof of payment of the tax. The annual certification by the State Governor or designated official regarding the collection of the heavy vehicle use tax serves as the FHWA's primary means of determining State compliance. The FHWA has determined that an annual certification of compliance by each State is the least obtrusive means of administering the provisions of the legislative mandate. In addition, States are required to retain for one year Schedule 1, Form 2290, (or other suitable alternative provided by regulation). FHWA periodically conducts compliance reviews to determine if the annual certification is adequate to ensure effective administration of 23 U.S.C. 141(d).

*Respondents:* 51 State Transportation Departments, including the District of Columbia.

*Frequency:* Annually.

*Estimated Total Annual Burden:* The average burden to submit the certification and retain required records is 12 hours per respondent. The estimated total annual burden is 612 hours.

**FOR FURTHER INFORMATION CONTACT:** Ms. Gloria Williams, 202-366-5032, Department of Transportation, Federal Highway Administration, Policy Service Business Unit, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

5. *Title:* Indian Reservations Roads, Program Administration Survey.

*OMB Control Number:* 2125-0565 (Expiration Date: November 30, 2001).

**Abstract:** The FHWA and the Bureau of Indian Affairs (BIA) jointly administer the Indian Reservation Roads (IRR) Program. Surveys are conducted of federally recognized tribes to provide feedback regarding their satisfaction with the IRR Program. The collected information is used by the FHWA and the BIA to improve the administration of the IRR program. This survey gathers information from the tribes to assess: (1) Overall levels of understanding of the IRR program; (2) involvement in the IRR program; and (3) satisfaction with the IRR program administration and accomplishments. In addition, the survey allows tribes to propose recommendations for improving the operation and administration of the IRR program.

**Respondents:** Approximately 561 federally recognized tribes.

**Estimated Total Annual Burden:** It is estimated that each response requires 30 minutes. The surveys are conducted approximately every 2 years (280 biannual burden hours); 140 annual burden hours.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Sparrow, 202-366-9483, Department of Transportation, Federal Highway Administration, Federal Lands Highway Core Business Unit, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:30 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

**Electronic Access:** Internet users may access all comments received by the U.S. DOT Dockets, Room PL-401, by using the universal resource locator (URL): <http://dms.dot.gov>. It is available 24 hours each day, 365 days each year. Please follow the instructions online for more information and help. An electronic copy of this document may be downloaded using a modem and suitable communications software from the Government Printing Office Electronic Bulletin Board Service at telephone number 202-512-1661. Internet users may reach the *Federal Register's* home page at <http://www.nara.gov/fedreg> and the Government Printing Office's database at <http://www.access.gpo.gov/nara>.

**Authority:** The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued on: March 12, 2001.

**James R. Kabel,**

*Chief, Management Programs and Analysis Division.*

[FR Doc. 01-6505 Filed 3-15-01; 8:45 am]

**BILLING CODE 4910-22-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement: Douglas County, WA

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in City of East Wenatchee & Douglas County, Washington.

#### FOR FURTHER INFORMATION CONTACT:

Megan Hall, Transportation and Environmental Engineer, Federal Highway Administration, 711 South Capital Way, Evergreen Plaza, Suite 501, Olympia, Washington 98501-1284, Telephone: (360) 753-9413.

**SUPPLEMENTARY INFORMATION:** The FHWA, in cooperation with the Washington State Department of Transportation, city of East Wenatchee, & Douglas County, will prepare an environmental impact statement (EIS) for mobility improvement to State Route 28 in Douglas County, Washington. The main problem area is approximately four miles of existing State Route 28 in East Wenatchee, from the Ninth Street intersection to the junction of SR2/97. The study area for improvements will be east of the Columbia River, between Rock Island Dam and Rocky Beach Dam, approximately 20 miles in length.

Improvements are considered necessary to provide for existing and projected traffic demands. Alternatives under consideration include (1) taking no action; (2) using the alternative travel modes; (3) widening the existing two-lane highway to five lanes; and (4) improving an alternative corridor to provide the needed capacity. Incorporated into and studied with the various build alternatives will be variations of grade and alignment, and locations.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, affected Indian Tribes, private organizations, and citizens who have previously expressed or are known to have interest in this proposal. A series of public meetings will be held in Douglas County. One of the public meetings will be an official scoping meeting, which is expected to be scheduled in the summer of 2001. In addition, a public hearing will be held. Public notice will be given of the time and place of the meetings and hearing. The draft EIS will be available for public

and agency review and comment prior to the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalogue of Federal Domestic Assistance Program Number 20.205, Highway Research Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

**Megan P. Hall,**

*Transportation and Environmental Engineer, FHWA Washington Division.*

[FR Doc. 01-6513 Filed 3-15-01; 8:45 am]

**BILLING CODE 4910-22-M**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

[NHTSA-01-8884]

#### Insurer Reporting Requirements

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Notice of availability.

**SUMMARY:** This notice announces publication by NHTSA of the annual insurer report on motor vehicle theft for the 1995 reporting year. Section 33112(c) of Title 49 of the U.S. Code, requires this information to be compiled periodically and published by the agency in a form that will be helpful to the public, the law enforcement community, and Congress. As required by section 33112(c), this report provides information on theft and recovery of vehicles; rating rules and plans used by motor vehicle insurers to reduce premiums due to a reduction in motor vehicle thefts; and actions taken by insurers to assist in deterring thefts.

**ADDRESSES:** Due to the voluminous content of this report, interested persons may obtain a copy of this report by contacting the Docket Section, NHTSA, Room 5109, 400 Seventh Street, SW, Washington, DC 20590. Docket hours are from 9:30 a.m. to 5:00 p.m., Monday through Friday. Requests should refer to Docket No. 98-001; Notice 04.

**FOR FURTHER INFORMATION CONTACT:** Ms. Rosalind Proctor, Office of Planning and Consumer Programs, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Ms. Proctor's telephone number

is (202) 366-0846. Her fax number is (202) 493-2290.

**SUPPLEMENTARY INFORMATION:** The Motor Vehicle Theft Law Enforcement Act of 1984 (Theft Act) was implemented to enhance detection and prosecution of motor vehicle theft (Pub. L. 98-547). The Theft Act added a new Title VI to the Motor Vehicle Information and Cost Savings Act, which required the Secretary of Transportation to issue a theft prevention standard for identifying major parts of certain high-theft lines of passenger cars. The Act also addressed several other actions to reduce motor vehicle theft, such as increased criminal penalties for those who traffic in stolen vehicles and parts, curtailment of the exportation of stolen motor vehicles and off-highway mobile equipment, establishment of penalties for dismantling vehicles for the purpose of trafficking in stolen parts, and development of ways to encourage decreases in premiums charged to consumers for motor vehicle theft insurance.

Title VI (which has since been recodified as 49 U.S.C. Chapter 331), was designed to impede the theft of motor vehicles by creating a theft prevention standard which required manufacturers of designated high-theft car lines to inscribe or affix a vehicle identification number onto major components and replacement parts of all vehicle lines selected as high theft. The theft standard became effective in Model Year 1987 for designated high-theft car lines.

The Anti Car Theft Act of 1992 (Pub.L. 102-519) amended the law relating to the parts-marking of major component parts on designated high-theft vehicles. One amendment made by the Anti Car Theft Act was to 49 U.S.C. 33101(10), where the definition of "passenger motor vehicle" now includes a "multipurpose passenger vehicle or light-duty truck when that vehicle or truck is rated at not more than 6,000 pounds gross vehicle weight." Since "passenger motor vehicle" was previously defined to include passenger cars only, the effect of the Anti Car Theft Act is that certain multipurpose passenger vehicle (MPV) and light-duty truck (LDT) lines may be determined to be high-theft vehicles subject to the Federal motor vehicle theft prevention standard (49 CFR part 541).

Section 33112 of Title 49 requires subject insurers or designated agents to report annually to the agency on theft and recovery of vehicles, on rating rules and plans used by insurers to reduce premiums due to a reduction in motor

vehicle thefts, and on actions taken by insurers to assist in deterring thefts. Rental and leasing companies also are required to provide annual theft reports to the agency.

The annual insurer reports provided under section 33112 are intended to aid in implementing the Theft Act and fulfilling the Department's requirements to report to the public the results of the insurer reports. The first annual insurer report, referred to as the section 612 Report on Motor Vehicle Theft, was prepared by the agency and issued in December 1987. The report included theft and recovery data by vehicle type, make, line, and model which were tabulated by insurance companies and rental and leasing companies. Comprehensive premium information for each of the reporting insurance companies was also included. This report, the eleventh, discloses the same subject information and follows the same reporting format.

Issued on: March 12, 2001.

**Stephen R. Kratzke,**

*Associate Administrator for Safety Performance Standards.*

[FR Doc. 01-6569 Filed 3-15-01; 8:45 am]

**BILLING CODE 4910-59-U**

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

[Docket RSPA-98-4957; Notice 27]

#### Notice of Request to Extend Existing Information Collection

**AGENCY:** Research and Special Programs Administration, DOT.

**ACTION:** Request for OMB approval and public comments.

**SUMMARY:** As required by the Paperwork Reduction Act of 1995, the Research and Special Programs Administration's (RSPA) Office of Pipeline Safety (OPS) is publishing its intention to combine two existing information collections into one. OPS is combining Management Information System (MIS) Standardized Data Collection and Reporting of Drug Testing Materials (2137-0579) and Alcohol Testing (2137-0587) (65 FR 76704-05 December 7, 2000). No comments were received. The purpose of this notice is to allow the public an additional 30 days to comment and request approval from the Office of Management and Budget (OMB). The combined information collection will be titled "Drug and Alcohol Testing" (2137-0579).

OPS believes that alcohol and drug testing requirements are an important

tool for operators to monitor drug and alcohol usage in the industry. OPS has found that drug and alcohol use in the pipeline industry is less than 1% of employees.

**DATES:** Comments on this notice must be received on or before April 16, 2001 to be assured of consideration.

**ADDRESSES:** Comments should identify the docket number of this notice, RSPA-98-4957, and be mailed directly to OMB, Office of Information and Regulatory Affairs, 726 Jackson Place, NW., Washington, DC 20503, ATTN: Desk Officer for DOT.

**FOR FURTHER INFORMATION CONTACT:** Marvin Fell, Office of Pipeline Safety, Research and Special Programs Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-6205 or by electronic mail at marvin.fell@rspa.dot.gov.

#### SUPPLEMENTARY INFORMATION:

*Title:* Drug and Alcohol Testing.

*OMB Number:* 2137-0579.

*Type of Request:* Extension of an existing information collection.

*Abstract:* Drug and Alcohol abuse is a major societal problem and it is reasonable to assume the problem exists in the pipeline industry as it does in society as a whole. The potential harmful effect of drug and alcohol abuse on safe pipeline operations warrants imposing comprehensive testing regulations on the pipeline industry. These rules are found in 49 CFR part 199. These regulations require annual information collection of the results.

The Department of Transportation (DOT) is rewriting its drug and alcohol testing regulations in 49 CFR part 40. As a result, the bulk of the burden hours that were accounted for by the modes will now be accounted for in a new information collection issued by DOT.

OPS is using this opportunity to combine its information collections for drug and alcohol testing information collections.

*Respondents:* Pipeline operators.

*Estimated Number of Respondents:* 2,419.

*Estimated Number of Responses per Respondent:* 2.

*Estimated Total Annual Burden on Respondents:* 2,963 hours.

Copies of this information collection can be reviewed at the Dockets Facility, Plaza 401, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590 from 9 am to 5 pm. Monday through Friday except Federal holidays. They also can be viewed over the Internet at <http://dms.dot.gov>.

Comments are invited on: (a) The need for the proposed collection of information for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

Issued in Washington, DC on March 12, 2001.

**Stacey L. Gerard,**

*Associate Administrator for Pipeline Safety.*

[FR Doc. 01-6534 Filed 3-15-01; 8:45 am]

**BILLING CODE 4910-60-P**

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

[Docket RSPA-98-4957; Notice 27]

#### Extension of Existing Information Collection

**AGENCY:** Research and Special Programs Administration, DOT.

**ACTION:** Request for OMB approval and public comments.

**SUMMARY:** As required by the Paperwork Reduction Act of 1995, the Research and Special Programs Administration (RSPA) published a notice seeking public comments on a proposed renewal of an information collection for *Incorporation by Reference of Industry Standard on Leak Detection* (65 FR 81571, December 26, 2000). This information collection requires that hazardous pipeline operators who have leak detection systems must maintain records of these systems. No comments were received. The public is being given another 30 days to provide comments.

**DATES:** Comments on this notice must be received April 16, 2001.

**ADDRESSES:** Comments should identify the docket number of this notice, RSPA-98-4957, and be mailed directly to OMB, Office of Information and Regulatory Affairs, 726 Jackson Place, NW., Washington, DC 20503, ATTN: Desk Officer for DOT.

**FOR FURTHER INFORMATION CONTACT:** Marvin Fell, Office of Pipeline Safety, Research and Special Programs Administration, Department of

Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-6205 or by electronic mail at [marvin.fell@rspa.dot.gov](mailto:marvin.fell@rspa.dot.gov).

#### SUPPLEMENTARY INFORMATION:

**Title:** Incorporation by Reference of Industry Standard on Leak Detection.

**OMB Number:** 2137-0598.

**Type of Request:** Extension of an existing information collection.

**Abstract:** Pipeline safety regulations do not require hazardous liquid pipeline operators to have computer-based leak detection systems. However, if these operators choose to voluntarily acquire such software-based leak detection systems they must adhere to the American Petroleum Institute Standard API 1130 in operating, maintaining and testing their existing software-based leak detection systems. The testing information of these systems must be maintained by hazardous liquid pipeline operators.

**Respondents:** Hazardous liquid pipeline operators that use computational monitoring systems (CPM's) for leak detection.

**Estimate of Burden:** 2 hours per operator.

**Estimated Number of Responses per Respondent:** 1.

**Estimated Total Burden:** 100 hours.

**Estimated Number of Respondents:** 50.

Copies of this information collection can be reviewed at the Dockets Facility, Plaza 401, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590 from 9 a.m. to 5 p.m., Monday through Friday except Federal holidays. They also can be viewed over the Internet at <http://dms.dot.gov>.

Comments are invited on: (a) The need for the proposed collection of information for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

Issued in Washington, DC on March 12, 2001.

**Stacey L. Gerard,**

*Associate Administrator for Pipeline Safety.*

[FR Doc. 01-6537 Filed 3-15-01; 8:45 am]

**BILLING CODE 4910-60-P**

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration

[Cooperative Agreement DTRS656-00-H-0004]

#### Quarterly Performance Review Meeting on The Cooperative Agreement "Better Understanding of Mechanical Damage in Pipelines"

**AGENCY:** Research and Special Programs Administration (RSPA), DOT.

**ACTION:** Notice of meeting.

**SUMMARY:** RSPA has entered into a cooperative agreement with the Gas Technology Institute (GTI) to co-fund a two-year research program to identify and characterize mechanical damage, a leading cause of reportable accidents in both gas and hazardous liquid pipelines, using the technology of magnetic flux leakage (MFL) oriented in the circumferential direction on an in-line inspection tool. RSPA, along with GTI, invite the pipeline industry, in-line inspection ("smart pig") vendors, and the general public to a quarterly performance review meeting to report on progress with the research "Better Understanding of Mechanical Damage in Pipelines." The meeting is open to anyone, and no registration is required. This work is being managed by GTI and performed by Battelle Memorial Institute (Battelle), along with the Southwest Research Institute (SwRI). The meeting will cover a review of the overall project plan, the status of the contract tasks, progress made during the past quarter, and projected activity for the next quarter.

**DATES:** The quarterly performance review meeting will be held on Wednesday, April 18, 2001 beginning at 2 p.m. and ending around 5 p.m.

**ADDRESSES:** The quarterly review meeting will be held at the Marriott Rivercenter Hotel, 101 Bowie, San Antonio, TX.

**FOR FURTHER INFORMATION CONTACT:** Lloyd W. Ulrich, Agreement Officer's Technical Representative, Office of Pipeline Safety, telephone: (202) 366-4556, FAX: (202) 366-4566, e-mail: [lloyd.ulrich@rspa.dot.gov](mailto:lloyd.ulrich@rspa.dot.gov). You may also contact Harvey Haines, Principal Investigator, GTI, telephone: (773) 399-8223, FAX: (773) 864-3495, e-mail: [harvey.haines@gastechnology.org](mailto:harvey.haines@gastechnology.org).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

RSPA has entered into a Cooperative Agreement (Cooperative Agreement DTRS656-00-H-0004) with the Gas

Technology Institute (GTI) to co-fund a two-year research program to identify and characterize mechanical damage, the leading cause of reportable accidents in both gas and hazardous liquid pipelines, using the technology of magnetic flux leakage (MFL) oriented in the circumferential direction on an in-line inspection tool.

We plan to conduct public semi-annual quarterly performance review meetings for the duration of this research. This meeting is the second semi-annual one to be conducted to provide an update on the research to the public, pipeline operators, vendors and interested governmental parties, such as RSPA technical and regional staff and the National Transportation Safety Board. Semi-annual meetings in the future will be held in conjunction with industry meetings, such as ones with the Association of Oil Pipelines, Interstate Natural Gas Association of America, and the American Gas Association, in order to reach a broad audience. We want the pipeline industry and especially that segment of the pipeline industry involved with in-line inspection to be aware of the status of this research. The meetings allow disclosure of the results to interested parties and provide an opportunity for interested parties to ask questions concerning the research. Attendance at this meeting is open to all and does not require advance registration or advance notice to RSPA. Each of the semi-annual meetings will be announced in the **Federal Register** at least two weeks prior to the meeting.

The quarterly performance review meetings held between the semi-annual meetings described above will be held in conjunction with GTI/PRCI Technical Committee meetings.

## II. The Research

This research continues work that DOT supported at Battelle to improve in-line inspection of mechanical damage and more closely coordinates work that GTI is supporting at Southwest Research Institute to develop critical assessment criteria based on these NDE measurements. This program extends the work conducted under the RSPA-funded contract "Detection of Mechanical Damage in Pipelines" (Contract DTRS-56-96-C-0010)<sup>1</sup> by looking at the circumferential magnetic flux leakage field instead of the traditional axial field and extends the critical assessment criteria research to work with full scale samples that are

being used for MFL measurements. The goal of the research is to evaluate and develop techniques for assessing pipeline metal loss, mechanical damage, and cracks using circumferential MFL. These techniques are expected to complement the techniques used for axial MFL systems.

The research will extend the failure assessment methodology for mechanically damaged pipes to include the influence of local cold working due to the gouging/denting process on the pipe's remaining life. The program will combine full scale tests and MFL monitoring of pipes, laboratory tests and elastic-plastic finite element analyses to develop a validated methodology for determining the remaining life of a damaged pipe. The proposed SwRI research will complement the work at Battelle in developing criteria for characterizing mechanical damage found through in-line inspection.

## III. Agenda for the Meeting

The following is the agenda for the meeting:

"Overview Project History and Impact of the DOT/GTI Projects for Using In-Line Inspection for Mechanical Damage."

Harvey Haines-GTI (15 min)

"Defect Manufacture and Installation."

Tom Bubenik-Battelle (30 min)

"Damage Severity Criteria Program Overview and Elastic Plastic Finite Element Analysis"

Graham Chell-SwRI (30 min)

Break

"Circumferential Magnetizer Design and Data"

Bruce Nestleroth-Battelle (30 min)

"Non-Linear Harmonics Measurement"

Al Crouch-SwRI (30 min)

"Tool Development for Implementation in Actual Pipelines"

Carl Torres-Tuboscope (30 min)

"Wrap up and comments"

Lloyd Ulrich-DOT (10-15 min)

## IV. Tour of SwRI Facilities

On Thursday morning, April 19, 2001, Southwest Research Institute will offer a tour to anyone interested in the facilities used in this research project. Interested parties should contact Al Crouch at SwRI, (210) 522-3157.

Issued in Washington, DC on March 12, 2001.

**Stacey L. Gerard,**

*Associate Administrator for Pipeline Safety.*

[FR Doc. 01-6535 Filed 3-15-01; 8:45 am]

**BILLING CODE 4910-60-P**

## DEPARTMENT OF TRANSPORTATION

### Research and Special Programs Administration (RSPA), DOT.

[Docket No. RSPA-00-8453; Notice 2]

### Tennessee Gas Pipeline Company: Grant of Waiver and Finding of No Significant Impact

**AGENCY:** Office of Pipeline Safety, Research and Special Programs Administration, DOT.

**ACTION:** Notice of grant of waiver and finding of no significant impact.

**SUMMARY:** The Office of Pipeline Safety (OPS) is approving a waiver of certain regulatory requirements relating to class location changes on four natural gas pipeline segments (the "waiver segments") operated by Tennessee Gas Pipeline Company (TGP) and is permitting TGP to carry out alternative risk control activities (the "Activities") in lieu of compliance with these requirements. The waiver segments are located on the parallel Lines 800-1, 500-1, 500-2, and 500-3, approximately 11.2 miles downstream of Compressor Station 860, in Hickman and Dickson Counties, Tennessee. The waiver segments include a total of 15,006 feet of pipeline.

**Background:** In 1997, OPS selected Tennessee Gas Pipeline Company (TGP) as a candidate for participation in the Risk Management Demonstration Program; subsequently, OPS and TGP held discussions as part of a consultation process. During the consultation, TGP identified a portion of its system (the "waiver segments") where it believed performing alternative risk control activities (the "Activities") in lieu of compliance with current pipeline safety regulations addressing class location changes would result in a comparable margin of safety and environmental protection. While OPS and TGP continued to consult, TGP applied<sup>1</sup> for a waiver of the requirements of 49 CFR 192.611 for the waiver segments and implementation of the Activities in lieu of compliance.

**Alternative Approach:** Rather than replacing pipe or requalification testing, as required for each waiver segment under 49 CFR 192.611, TGP proposed to perform the following alternative risk control activities, with the objective of providing a margin of safety and environmental protection comparable to pipe replacement or requalification testing:

<sup>1</sup> Letter form D.K. Moore, Tennessee Gas Pipeline, to R.B. Felder, OPS, June 30, 1998.

<sup>1</sup> The final report on this research dated June 2000 is available on the OPS web site, <http://ops.dot.gov>.

1. Internally inspect the waiver segments using geometry and magnetic flux leakage in-line inspection tools, which are not required under current regulations. These tools reliably identify indications of wall loss (e.g. corrosion), as well as dents and gouges from initial construction damage or third party excavators working along the pipeline right-of-way. These internal inspections have been performed and the OPS Southern Region has reviewed the inspection results.
2. Internally inspect an extended length of pipe (the "extended segments") bordering each waiver segment to further extend the benefits of the integrity analysis. The extended segments cover the distance between Compressor Station 860 and mainline valves 861-1, 560-1, 560-2, and 560-3, a distance of approximately 18.2 miles on each pipeline.
3. Repair indications of corrosion, existing construction damage, and existing outside force damage identified by the internal inspection. TGP used more conservative investigation and repair criteria in the waiver and extended segments than is currently required by the pipeline safety regulations. The criteria call for investigation and repair of small dents and anomalies that are well below the threshold where pipeline integrity might be compromised.
4. Perform close-interval surveys on the waiver and extended segments, as an additional method to detect possible pipeline corrosion. Close-interval surveys are not required on these segments under current regulations. TGP has performed close-interval surveys on approximately 18.2 miles of pipe on each line.

*Notice 1:* In response to TGP's application and justification for performing the Activities in lieu of current regulatory requirements, OPS issued a Notice of Intent to Consider Waiver and Environmental Assessment of Waiver, inviting persons to submit written comments (65 FR 77422; December 11, 2000) (Notice 1). In that Notice, OPS explained its finding that TGP's implementation of the Activities in lieu of compliance with 49 CFR 192.611 is consistent with pipeline safety. OPS received no public comments in response to Notice 1.

*OPS Review:* OPS has compared the expected risk reduction produced by the Activities to that which would be achieved by compliance with 49 CFR 192.611 and concluded that the Activities will likely achieve a

comparable margin of safety and environmental protection. Furthermore, because of the resources saved by not having to replace pipe in the waiver segments, TGP will be able to assess the integrity of additional portions of its system, which reduces the overall risks along the TGP pipeline system.

OPS has determined that the conduct of the Activities in lieu of compliance with 49 CFR 192.611 is consistent with pipeline safety. The following factors were considered when making this determination:

1. The proposed Activities will provide a comparable margin of safety and protection for the environment and the communities in the vicinity of TGP's pipelines;
2. The four waiver segments have a good integrity history, with no leaks recorded during operation or hydrostatic testing.
3. TGP has internally inspected and conducted close-interval surveys on a total of 72.8 miles of pipe, including the waiver segments. These activities add protection against pipeline failures from corrosion, manufacturing and construction defects, and outside third-party damage along this full 72.8 mile length. Compliance with 49 CFR 192.611 would require replacement of pipe or requalification tests within the waiver segments only (less than 3 miles of pipe), with no added protection for the extended segments (approximately 69 miles of pipe). The TGP Activities provide added protection by including the extended segments.
4. TGP was selected as a candidate for the Risk Management Demonstration Program and has participated in a consultation process with OPS, which required a greater sharing of information with OPS related to the integrity TGP's pipeline.

*Action on Application for Waiver:* In accordance with the foregoing and by this order, OPS finds that TGP's requested waiver is consistent with pipeline safety. Accordingly, TGP's application for waiver from compliance with the requirements of 49 CFR 192.611 is granted, provided that TGP carries out all the alternative risk control activities described in the "Alternative Approach" section of this Notice. No more than 90 days after OPS adopts any new final rule related to integrity management of natural gas pipelines, TGP will be required to assess the effects, if any, of the rule on this waiver and report its findings to OPS. OPS will review TGP's report, evaluate TGP's assessment, and determine

whether the terms and effects of the waiver remain appropriate and consistent with pipeline safety. If the OPS evaluation finds that the waiver is no longer appropriate or no longer consistent with safety, then OPS will revoke the waiver and require TGP to comply with 49 CFR 192.611 and all other applicable regulations.

#### **Finding of No Significant Impact (FONSI)**

OPS has reviewed the TGP waiver for conformity with section 102(2)(c) of the National Environmental Policy Act (42 U.S.C. 4332), the Council on Environmental Quality regulations (40 CFR Sections 1500-1508), and Department of Transportation (DOT) Order 5610.1c, Procedures for Considering Environmental Impacts. OPS conducted an Environmental Assessment of granting the TGP waiver (65 FR 77422, "Pipeline Safety: Intent to Consider Waiver and Environmental Assessment of Waiver for Tennessee Gas Pipeline Company," December 11, 2000).

OPS received no public comment on the Environmental Assessment. Based on the analysis and conclusions of the Environmental Assessment, OPS has determined that no significant impacts on the environment are associated with granting this waiver. The Environmental Assessment is incorporated by reference into this FONSI.

In summary, OPS believes that the Activities performed under the waiver by TGP in lieu of regulatory requirements are consistent with pipeline safety and environmental protection. Although the waiver is expected to provide net environmental benefits, these beneficial impacts are not expected to be significant, because of the minimal environmental impact associated with gas pipeline failures. In addition, if OPS denied the proposed waiver, TGP would be required to replace or requalify pipe in the waiver segments. Pipe replacement would likely introduce some adverse environmental impacts that are avoided with the proposed action. Denying the waiver request would likely result in TGP replacing pipe along portions of the waiver segments, thereby causing environmental disruption due to excavation activity.

Issued in Washington, DC on March 12, 2001.

**Stacey L. Gerard,**

*Associate Administrator for Pipeline Safety.*  
[FR Doc. 01-6536 Filed 3-15-01; 8:45 am]

**BILLING CODE 4910-60-P**



**DEPARTMENT OF TRANSPORTATION****Surface Transportation Board****[STB Finance Docket No. 34001]****Canadian National Railway Company—  
Trackage Rights Exemption—Detroit  
River Tunnel Company**

Detroit River Tunnel Company (DRTC), through its lessee Detroit River Tunnel Partnership (DRT Partnership), has agreed to grant to Canadian National Railway Company (CN) trackage rights to and through the Detroit River Tunnel (Tunnel), approximately between CN's access to the Tunnel at Detroit, MI (at about milepost 228.08) and the U.S.-Canada boundary within the Tunnel (at about milepost 226.29), a total distance of approximately 1.79 miles.<sup>1</sup> The trackage rights will permit CN to continue to operate over the trackage following the dissolution of CNCP Niagara-Detroit Partnership, the current lessee of the trackage, and DRT Partnership becoming the lessee of the trackage.<sup>2</sup>

The transaction was scheduled to be consummated on or soon after the March 6, 2001 effective date of the exemption (7 days after the exemption was filed).

CN states that it does not anticipate any changes in operations over the trackage rights line as a result of this transaction, and does not believe that any CN employees in the United States will be affected by the transaction. CN further states that DRTC has no employees. Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its United States employees. Therefore, CN states that any United States employee affected by this transaction will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*,

354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34001, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on Paul A. Cunningham, Esq., HARKINS CUNNINGHAM, 801 Pennsylvania Avenue, NW., Suite 600, Washington, DC 20004-2664.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

By the Board, David M. Konschnik, Director, Office of Proceedings.

Decided: March 9, 2001.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 01-6461 Filed 3-15-01; 8:45 am]

**BILLING CODE 4915-00-P**

**DEPARTMENT OF TRANSPORTATION****Surface Transportation Board****[STB Finance Docket No. 34006]****Canadian Pacific Railway Company—  
Trackage Rights Exemption—Detroit  
River Tunnel Company**

Detroit River Tunnel Company, through its lessee Detroit River Tunnel Partnership (DRT Partnership), has agreed to grant to Canadian Pacific Railway Company (CPR) trackage rights to and through the Detroit River Tunnel (Tunnel) between Detroit, MI (milepost 228.1) and Windsor, ON (milepost 225.0).<sup>1</sup> The trackage rights will permit CPR to continue to operate over the trackage following the dissolution of CNCP Niagara-Detroit Partnership, the current lessee of the trackage, and DRT Partnership's becoming the lessee of the trackage.<sup>2</sup>

<sup>1</sup> According to CPR, the portion of the trackage rights within the United States, which is subject to the Board's jurisdiction, lies between milepost 228.1 and milepost 226.3, a distance of approximately 1.8 miles.

<sup>2</sup> This transaction is related to the following verified notices of exemption all filed at the Board on February 27, 2001: STB Finance Docket No. 34005, *Canadian Pacific Railway Company—Corporate Family Transaction Exemption—Interests*

The transaction was scheduled to be consummated on or soon after the March 6, 2001 effective date of the exemption (7 days after the exemption was filed).<sup>3</sup>

CPR states that the trackage rights to and through the Tunnel simply replace existing trackage rights and will affect no CPR employees. Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory obligation to protect the interests of its United States employees. As a condition to this exemption, any United States employee affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If it contains false or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34006, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423-0001. In addition, one copy of each pleading must be served on George W. Mayo, Jr., Esq., Hogan & Hartson L.L.P., 555 Thirteenth Street, NW., Washington, DC 20004-1109.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: March 9, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. 01-6462 Filed 3-15-01; 8:45 am]

**BILLING CODE 4915-00-P**

*in Detroit River Tunnel and Niagara River Bridge; STB Finance Docket No. 33984, Borealis Infrastructure Trust Management, Inc., Sole Trustee of the Borealis Transportation Infrastructure Trust—Acquisition Exemption—Detroit River Tunnel Company; STB Finance Docket No. 34007, Canadian National Railway Company—Corporate Family Transaction Exemption—Interest in Detroit River Tunnel and Niagara River Bridge; and STB Finance Docket No. 34001, Canadian National Railway Company—Trackage Rights Exemption—Detroit River Tunnel Company.*

<sup>3</sup> An unredacted draft version of the CPR Tunnel User Agreement, as required by 49 CFR 1180.6(a)(7)(ii), was filed under seal. A motion for a protective order, filed on February 27, 2001, is being addressed in a separate decision.

<sup>1</sup> This transaction is related to the following verified notices of exemption all filed at the Board on February 27, 2001: STB Finance Docket No. 33984, *Borealis Infrastructure Trust Management, Inc., Sole Trustee of the Borealis Transportation Infrastructure Trust—Acquisition Exemption—Detroit River Tunnel Company; STB Finance Docket No. 34007, Canadian National Railway Company—Corporate Family Transaction Exemption—Interest in Detroit River Tunnel and Niagara River Bridge; STB Finance Docket No. 34005, Canadian Pacific Railway Company—Corporate Family Transaction Exemption—Interests in Detroit River Tunnel and Niagara River Bridge; and STB Finance Docket No. 34006, Canadian Pacific Railway Company—Trackage Rights Exemption—Detroit River Tunnel Company.*

<sup>2</sup> An unredacted draft version of the CN Tunnel User Agreement, as required by 49 CFR 1180.6(a)(7)(ii), was filed under seal. A motion for a protective order, filed on February 27, 2001, is being addressed in a separate decision.



## DEPARTMENT OF TRANSPORTATION

## Surface Transportation Board

[STB Docket No. AB-579X and STB Docket No. AB-580X]

**County of Coahoma, Mississippi—  
Abandonment Exemption—In  
Tallahatchie and Coahoma Counties,  
MS and Gulf & Ohio Railways, Inc., d/  
b/a Mississippi Delta Railroad—  
Discontinuance of Service  
Exemption—in Tallahatchie and  
Coahoma Counties, MS**

On February 26, 2001, the County of Coahoma, Mississippi (County) and the Gulf and Ohio Railways, Inc. d/b/a Mississippi Delta Railroad (MSDR) (jointly, petitioners) jointly filed with the Surface Transportation Board (Board) a petition under 49 U.S.C. 10502 for exemption from the provisions of 49 U.S.C. 10903-05.

The County proposes to abandon its 51.06-mile rail line consisting of: (1) the 18.6-mile Lula Segment between milepost 55.40 near Lula and milepost 74.00 near Lyon, MS; and (2) the 32.46-mile Swan Lake Line between milepost 74.00 near Lyon and milepost 79.00 near Clarksdale, MS, and between milepost 76.54 near Clarksdale and milepost 104.00 at Swan Lake. The County also proposes to discontinue incidental overhead trackage rights over 1.39 miles of an Illinois Central Railroad Company (IC) rail line between milepost 104.00 and the connection with IC's main line at milepost 105.39.

MSDR proposes to discontinue service over the County's above-described 51.06-mile rail line, and also proposes to discontinue trackage and lease operating rights over the above-described 1.39 miles of IC's rail line.

Located in Tallahatchie and Coahoma Counties, MS, the line traverses U.S. Postal Service Zip Codes 38614, 38645, 38617, 38963 and 38921 and includes the station of Clarksdale.

In addition to an exemption from 49 U.S.C. 10903, petitioners also seek exemptions from 49 U.S.C. 10904 (offer of financial assistance procedures) and 49 U.S.C. 10905 (public use conditions). In support, they state that the County intends to retain the track and bridges on the line and seek a new operator to provide service on a non-regulated, contractual basis. Petitioners indicate that MSDR has agreed to continue to operate the line through June 30, 2001; they request that the exemption be made effective the date MSDR proposes to terminate service, which may require a shortened period before the abandonment becomes effective. These

requests will be addressed in the final decision.

The line does not contain federally granted rights-of-way. Any documentation in petitioners' possession will be made available promptly to those requesting it.

The interests of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979).

By issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by June 15, 2001.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 10 days after service of a decision granting the petition for exemption. Each offer must be accompanied by a \$1,000 filing fee. See 49 CFR 1002.2(f)(25).

All interested persons should be aware that, following abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for trail use/rail banking under 49 CFR 1152.29 will be due no later than April 5, 2001. Each trail use request must be accompanied by a \$150 filing fee. See 49 CFR 1002.2(f)(27). However, petitioners indicate that they are not willing to negotiate trail use.

All filings in response to this notice must refer to STB Docket No. AB-579X, *et al.* and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW, Washington, DC 20423-0001; (2) William C. Sippel, Fletcher & Sippel LLC, Two Prudential Plaza, Suite 3125, 180 North Stetson Avenue, Chicago, IL 60601-6721; and (3) Troy W. Garriss, Weiner Brodsky Sidman Kider PC, 1300 Nineteenth Street, NW, Fifth Floor, Washington, DC 20036-1609. Replies to the exemption petition are due on or before April 5, 2001.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565-1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis (SEA) at (202) 565-1545. [TDD for the hearing impaired is available at 1-800-877-8339.]

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by SEA will be served upon all parties of record and

upon any agencies or other persons who commented during its preparation.

Other interested persons may contact SEA to obtain a copy of the EA (or EIS). EAs in these abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA will generally be within 30 days of its service.

Board decisions and notices are available on our website at "WWW.STB.DOT.GOV."

Decided: March 9, 2000.

By the Board, David M. Konschnik,  
Director, Office of Proceedings.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 01-6595 Filed 3-15-01; 8:45 am]

BILLING CODE 4915-00-P

## DEPARTMENT OF THE TREASURY

## Fiscal Service

**Surety Companies Acceptable on  
Federal Bonds: West Bend Mutual  
Insurance Company**

**AGENCY:** Financial Management Service, Fiscal Service, Department of the Treasury.

**ACTION:** Notice.

**SUMMARY:** This is Supplement No. 11 to the Treasury Department Circular 570; 2000 Revision, published June 30, 2000, at 65 FR 40868.

**FOR FURTHER INFORMATION CONTACT:** Surety Bond Branch at (202) 874-7102.

**SUPPLEMENTARY INFORMATION:** A Certificate of Authority as an acceptable surety on Federal bonds is hereby issued to the following Company under 31 U.S.C. 9304 to 9308. Federal bond-approving officers should annotate their reference copies of the Treasury Circular 570, 2000 Revision, on page 40905 to reflect this addition:

*Company Name:* West Bend Mutual Insurance Company. *Business Address:* 1900 South 18th Avenue, West Bend, WI 53095. *Phone:* (262) 334-5571. *Underwriting Limitation b/:* \$18,026,000 *Surety Licenses c/:* IL, IN, IA, MN, OH, WI. *Incorporated In:* Wisconsin.

Certificates of Authority expire on June 30 each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the companies remain qualified (31 CFR part 223). A list of qualified companies is published annually as of July 1 in Treasury Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information.

The Circular may be viewed and downloaded through the Internet at <http://www.fms.treas.gov/c570/index.html>. A hard copy may be purchased from the Government Printing Office (GPO) Subscription Service, Washington, DC, Telephone (202) 512-1800. When ordering the

Circular from GPO, use the following stock number: 048-000-00536-5.

Questions concerning this Notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Financial Accounting and Services Division, Surety Bond Branch,

3700 East-West Highway, Room 6A04, Hyattsville, MD 20782.

Dated: March 2, 2001.

**Wanda Rogers,**

*Director, Financial Accounting and Services Division, Financial Management Service.*

[FR Doc. 01-6572 Filed 3-15-01; 8:45 am]

**BILLING CODE 4810-35-M**

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

March 6, 2001, make the following correction:

**§39.13 [Corrected]**

On page 13426, in §39.13(a)(2), in the first column, the table is corrected to read as set forth below:

TABLE 1

AD Number	Amendment Number
AD 95-10-16 .....	39-9233
AD 95-13-05 .....	39-9285
AD 95-13-06 .....	39-9286
AD 95-13-07 .....	39-9287
AD 99-10-10 .....	39-11163

[FR Doc. C1-5168 Filed 3-15-01; 8:45 am]  
BILLING CODE 1505-01-D

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 39**

[Docket No. 2001-NM-01-AD; Amendment 39-12141; AD 2001-05-05]

RIN 2120-AA64

**Airworthiness Directives; Boeing Model 747 Series Airplanes**

*Correction*

In rule document 01-5168 beginning on page 13424 in the issue of Tuesday,



# Federal Register

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**Friday,  
March 16, 2001**

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## **Part II**

### **Department of Transportation**

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**Saint Lawrence Seaway Development  
Corporation**

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**33 CFR Parts 401 and 402  
Seaway Regulations and Rules, and Tariff  
of Tolls; Final Rule**

**DEPARTMENT OF TRANSPORTATION****Saint Lawrence Seaway Development Corporation****33 CFR Parts 401 and 402****[Docket No. SLSDC 2001-8785]****RIN 2135-AA12****Seaway Regulations and Rules and Tariffs of Tolls****AGENCY:** Saint Lawrence Seaway Development Corporation, DOT.**ACTION:** Final rule.

**SUMMARY:** The Saint Lawrence Seaway Development Corporation (SLSDC) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Tariff of Tolls in their respective jurisdictions. The Tariff sets forth the level of tolls assessed on all commodities and vessels transiting the facilities operated by the SLSDC and the SLSMC. The SLSDC is revising its regulations to reflect the fees and charges charged by the SLSMC in Canada starting in the 2001 navigation season and related editorial, format, and substantive changes, the latter of which are effective only in Canada. The SLSDC also is increasing the toll for pleasure vessels charged by the SLSDC for transit through the U.S. locks, which the SLSMC is also doing for Canadian locks. Through agreement with the SLSMC, the SLSDC also is revising its "Preclearance of vessels" regulation to clarify that certain non-commercial vessels are considered pleasure vessels for the purposes of tolls and making a conforming revision to its "Payment of tolls" provision of the joint Seaway Regulations and Rules requiring that pleasure vessel tolls be paid in U.S. funds or the equivalent in Canadian funds at each U.S. lock, instead of at par. Also through agreement with the SLSMC, the SLSDC is clarifying the definition for "flashpoint". Only these four amendments concerning the SLSDC toll for pleasure vessels and the definition of "flashpoint" are of applicability in the United States.

The 2001 Seaway navigation season is scheduled to open on March 23. The Tariff of Tolls will be in effect in Canada on that date. For consistency, because these are, under international agreement, joint regulations, and to avoid confusion among users of the Seaway, the SLSDC finds that there is good cause to make this U.S. version of the amendments effective on that date, March 23, 2001.

**DATES:** This rule is effective on March 23, 2001.

**FOR FURTHER INFORMATION CONTACT:**

Marc C. Owen, Chief Counsel, Saint Lawrence Seaway Development Corporation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-6823.

**SUPPLEMENTARY INFORMATION:** The Saint Lawrence Seaway Development Corporation (SLSDC) and the St. Lawrence Seaway Management Corporation (SLSMC) of Canada, under international agreement, jointly publish and presently administer the St. Lawrence Seaway Tariff of Tolls in their respective jurisdictions. (The Tariff is called the Schedule of Fees and Charges in Canada.) A Notice of Proposed Rulemaking was published on February 9, 2001 (66 FR 9752). Interested parties have been afforded an opportunity to participate in the making of the amendments applicable in the United States. No comments were received. The amendments are described in the following summary.

The Tariff sets forth the level of tolls assessed on all commodities and vessels transiting the facilities operated by the SLSDC and the SLSMC. The SLSDC is revising part 402 to reflect the fees and charges charged by the SLSMC in Canada starting in the 2001 navigation season, a change in the toll for pleasure vessels for both the Canadian and U.S. locks, and related editorial, format, and substantive changes. (Because of the number of edits and format changes, the entire text of part 402 is set out as an amendment below.) This final rule also includes the text of § 402.10, "Operational Surcharges after postponements", which was inadvertently omitted from the Notice of Proposed Rulemaking. This section is applicable only in Canada. With the exception of the change for pleasure vessel tolls, the substantive changes affect the tolls for commercial vessels and are applicable only in Canada as the collection of the U.S. portion of tolls for commercial vessels is waived by law (33 U.S.C. 988a(a)).

The SLSDC is also increasing the toll for pleasure vessels charged by the SLSDC for transit through the U.S. locks, which the SLSMC is also doing for Canadian locks. Through agreement with the SLSMC, the SLSDC also is revising § 401.22, "Preclearance of vessels", clarifying that certain non-commercial vessels are considered pleasure vessels for the purposes of tolls and making a conforming amendment to § 401.75, "Payment of tolls", of the joint Seaway Regulations and Rules requiring that pleasure vessel tolls be paid "in U.S. funds or the pre-established

equivalent in Canadian funds" at each U.S. lock, instead of at par. Also through agreement with the SLSMC, the SLSDC is revising § 401.2 to clarify the definition for "flashpoint". Since only the four amendments concerning the SLSDC toll for pleasure vessels at U.S. locks are applicable in the United States, comments were invited on only these. Specifically, § 402.8, "Schedule of tolls", is revised to increase the toll for pleasure vessels for transit through a U.S. lock from \$10 to \$20 in U.S. funds or \$30 in Canadian funds, the current equivalent, instead of at par. Since approximately 97% of pleasure craft tolls are collected in Canadian funds, the SLSDC has been losing a substantial amount of revenue due to the high exchange rate. The SLSDC believes that discounting the Canadian funds at the locks on an *ad hoc* basis would not be practicable. Increasing the tolls at the SLSDC's two locks will offset the loss of revenue due to the exchange and be beneficial to SLSDC future funding requirements. Moreover, lock operations costs for pleasure vessel transits for 1999 has been estimated as \$160,000, resulting in an approximate subsidy of \$127,000 for these transits. The last toll increase for these vessels was in 1991 when the rate was raised from \$5 to \$10. The increase for an estimated 2,500 pleasure vessel transits will result in a toll revenue increase of approximately \$97,000 in U.S. funds, lowering the effective subsidy of these transits to approximately \$63,000. Section 401.22, "Preclearance of vessels", is also revised by adding a new paragraph (c) clarifying that non-commercial vessels with a tonnage displacement of less than 317.5 tons are not eligible to apply for preclearance status, but are considered pleasure craft. The reason for this amendment is that associated costs for these vessels incurred by the SLSMC under their preclearance process is disproportionately larger than the amount of tolls these vessels would pay if precleared. Finally, the SLSDC and SLSMC are making a conforming amendment to paragraph (b) of § 401.75, "Payment of tolls", of the joint Seaway Regulations and Rules, which concerns payment of pleasure vessel tolls. The provision is revised to say that these tolls are payable at each U.S. lock "in U.S. funds or the pre-established equivalent in Canadian funds" and references § 402.8, "The Schedule of tolls", where the precise amounts are stated. This simplifies the SLSDC's ability to amend the tariff amounts each season, if necessary, to reflect changes in the exchange rate. Finally, § 401.75

also is revised to state separately that, for Canadian locks, the tolls remain payable in Canadian or U.S. funds at par.

Also through agreement with the SLSMC, the SLSDC is revising § 401.2 to clarify the definition for "flashpoint", stating that it means the "lowest temperature of a flammable liquid at which its vapor forms an ignitable mixture with air" as determined by the closed-cup method.

### Regulatory Evaluation

This regulation involves a foreign affairs function of the United States and therefore Executive Order 12866 does not apply. This regulation has also been evaluated under the Department of Transportation's Regulatory Policies and Procedures and the regulation is not considered significant under those procedures and its economic impact is expected to be so minimal that a full economic evaluation is not warranted.

### Regulatory Flexibility Act Determination

The Saint Lawrence Seaway Development Corporation certifies that this regulation will not have a significant economic impact on a substantial number of small entities. The St. Lawrence Seaway Tariff of Tolls primarily relates to commercial users of the Seaway, the vast majority of whom are foreign vessel operators. Therefore, any resulting costs will be borne mostly by foreign vessels.

### Environmental Impact

This regulation does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321, *et seq.*) because it is not a major federal action significantly affecting the quality of human environment.

### Federalism

The Corporation has analyzed this rule under the principles and criteria in Executive Order 13132, Dated August 4, 1999, and has determined that it will not have a substantial, direct effect on the States or on the distribution of power and responsibilities among various levels of government. The rule will not limit the policymaking discretion of the States. Nothing in it would directly preempt any State law or regulation. Because the rule will have no significant effect on State or local governments, no consultations with those governments on this rule were necessary.

### Paperwork Reduction Act

This regulation has been analyzed under the Paperwork Reduction Act of 1995 and does not contain new or modified information collection requirements subject to the Office of Management and Budget review.

### List of Subjects

#### 33 CFR Part 401

Hazardous materials transportation, Navigation (water), Penalties, Radio, Reporting and recordkeeping requirements, Vessels, Waterways.

#### 33 CFR Part 402

Vessels, Waterways.

Accordingly, the Saint Lawrence Seaway Development Corporation amends 33 CFR chapter IV as follows:

### PART 401—SEAWAY REGULATIONS AND RULES

#### Subpart A—[Amended]

1. The authority citation for subpart A of part 401 continues to read as follows:

**Authority:** 33 U.S.C. 983(a) and 984(a)(4), as amended; 49 CFR 1.52, unless otherwise noted.

2. Section 401.2 is amended by revising paragraph (b) to read as follows:

#### § 401.2 Interpretation.

\* \* \* \* \*

(b) *Flashpoint* means the lowest temperature of a flammable liquid at which its vapor forms an ignitable mixture with air as determined by the closed-cup method.

\* \* \* \* \*

3. Section 401.22 is amended by adding a new paragraph (c) to read as follows:

#### § 401.22 Preclearance of vessels.

\* \* \* \* \*

(c) A non-commercial vessel with a tonnage displacement of less than 317.5 tons cannot apply for preclearance status and must transit as a pleasure craft.

4. Section 401.75 is amended by revising paragraph (b) to read as follows:

#### § 401.75 Payment of tolls.

\* \* \* \* \*

(b) Tolls, established by agreement between Canada and the United States and known as the St. Lawrence Seaway Tariff of Tolls, shall be paid by pleasure craft in Canadian or U.S. funds for the transit of each Canadian Seaway lock. At U.S. locks, the toll is paid in U.S. funds or the pre-established equivalent in Canadian funds (see § 402.8 of this chapter).

5. Part 402—Tariff of Tolls is revised to read as follows:

### PART 402—TARIFF OF TOLLS

Sec.

- 402.1 Purpose.
- 402.2 Title.
- 402.3 Interpretation.
- 402.4 Tolls.
- 402.5 Description and weight of cargo.
- 402.6 Post-clearance date operational surcharges.
- 402.7 Coming into force.
- 402.8 Schedule of tolls.
- 402.9 Operational surcharges—no postponements.
- 402.10 Operational surcharges after postponements.

**Authority:** 33 U.S.C. 983(a), 984(a)(4), and 988, as amended; 49 CFR 1.52.

#### § 402.1 Purpose.

This regulation prescribes the charges to be assessed for the full or partial transit of the St. Lawrence Seaway between Montreal, Quebec, and Lake Erie.

#### § 402.2 Title.

This tariff may be cited as the St. Lawrence Seaway Tariff of Tolls (Schedule of Tolls in Canada).

#### § 402.3 Interpretation.

In this tariff,

(a) *Bulk cargo* means cargo consisting of goods, loose or in mass, that generally must be shoveled, pumped, blown, scooped or forked in the handling and includes:

- (1) Cement, loose or in sacks;
- (2) Coke and petroleum coke, loose or in sacks;
- (3) Domestic cargo;
- (4) Liquids carried in vessels' tanks;
- (5) Ores and minerals (crude, screened, sized or concentrated, but not otherwise processed) loose or in sacks, including alumina, bauxite, coal, gravel, phosphate rock, sand, stone and sulphur;

- (6) Pig iron and scrap metals;
- (7) Lumber, pulpwood, poles and logs, loose or bundled;
- (8) Raw sugar, flour, loose or in sacks;
- (9) Wood pulp, loose or in bales; and
- (10) Material for recycling, scrap material, refuse and waste.

(b) *Cargo* means all goods aboard a vessel whether carried as revenue or non-revenue freight or carried for the vessel owner, but does not include:

- (1) Empty containers and the tare weight of loaded containers;
- (2) Ships' fuel, ballast or stores;
- (3) The personal effects of crew or passengers; or
- (4) In transit cargo that is carried both upbound and downbound in the course of the same voyage.

(c) *Containerized cargo* means cargo shipped in a container that is enclosed, permanent, reusable, nondisposable, weather tight.

(d) *Corporation* means the Saint Lawrence Seaway Development Corporation.

(e) *Domestic cargo* means cargo the shipment of which originates at one Canadian point and terminates at another Canadian point, or originates at one United States point and terminates at another United States point, but does not include import or export cargo designated at the point of origin for transshipment by water at a point in Canada or in the United States.

(f) *General cargo* means other than bulk cargo, grain, government aid cargo, steel slabs and coal.

(g) *Government aid cargo* means:

(1) Processed food products that are donated by, or the purchase of which has been financed on concessional terms by, the federal government of the United States or Canada for the purposes of nutrition, economic development, emergency, or disaster relief programs; and

(2) Food cargo that is:

(i) Owned or financed by a non-profit organization or cooperative;

(ii) Intended for use in humanitarian or development assistance overseas; and

(iii) Stamped or otherwise shown to have been declared as such to that is certified by the customs service of the United States or Canada.

(h) *Grain* means barley, corn, oats, flaxseed, rapeseed, soybeans, field crop seeds, buckwheat, dried beans, dried peas, rye, wheat, grain screenings or meal from those grains.

(i) *Manager* means the St. Lawrence Seaway Management Corporation.

(j) *Metric ton* means 1,000 kilograms (2,204.62 pounds).

(k) *Passenger* means any person being transported through the Seaway who has paid a fare for passage.

(l) *Pleasure craft* means a vessel, however propelled, that is used exclusively for pleasure and does not carry passengers.

(m) *Seaway* includes all facilities and services authorized under Public Law 358, 83rd Congress, May 13, 1954, enacted by the Congress of the United States, as amended, (33 U.S.C. 981, *et seq.*) and the meaning ascribed to it under the Canada Marine Act.

(n) *Vessel* ("ship" in Canada) means every type of craft used as a means of transportation on water, except a vessel owned or employed by the or the Corporation.

#### § 402.4 Tolls.

(a) Every vessel entering, passing through or leaving the Seaway shall pay a toll that is the sum of each applicable charge in § 402.8. Each charge is calculated based upon the description set out in column 1 of § 402.8 and the rate set out in column 2 or 3.

(b) The toll is assessed against the vessel, its cargo and its passengers for a complete or partial transit of the Seaway and covers a single trip in one direction.

(c) The toll is due from the representative of the vessel within 45 days after the day on which the vessel enters the first lock of a transit of the Seaway.

#### § 402.5 Description and weight of cargo.

For the purposes of calculating applicable tolls:

(a) A cord of pulpwood is taken to weigh 1,450 kilograms (3,196.70 pounds); and

(b) The cargo tonnage used rounded to the nearest 1,000 kilograms (2,204.62 pounds).

#### § 402.6 Post-clearance date operational surcharges.

(a) Subject to paragraph (b) of this section, a vessel that reports for its final transit of the Seaway from a place set out in column 1 of § 402.9 within a period after the clearance date established by the Manager and the Corporation set out in column 2 of § 402.9 shall pay operational surcharges in the amount set out in column 3 of § 402.9, prorated on a per-lock basis.

(b) If surcharges are postponed for operational or climatic reasons, a vessel that reports for its final transit of the Seaway from a place set out in column 1 of § 402.10 within a period after the clearance date established by the Manager and the Corporation set out in column 2 of § 402.10 shall pay operational surcharges in the amount set out in column 3 of § 402.10, prorated on a per-lock basis.

(c) A vessel that is authorized to transit the Seaway after the period of 96 hours after the clearance date established by the Manager and the Corporation shall pay, in addition to the operational surcharge, an amount equal to the incremental expenses incurred by the Manager to keep the Seaway open for the transit of the vessel.

#### § 402.7 Coming into force.

In Canada, this Tariff and the tolls set forth herein come into force from the date on which this Tariff is filed with the Canadian Transportation Agency.

#### § 402.8 Schedule of tolls.

Item	Column 1 Description of charges	Column 2 Rate (\$) Montreal to or from Lake Ontario (5 locks)	Column 3 Rate (\$) Welland Canal—Lake Ontario to or from Lake Erie (8 locks)
1. ....	Subject to item 3, for complete transit of the Seaway, a composite toll, comprising:		
	(1) a charge per gross registered ton of the ship, applicable whether the ship is wholly or partially laden, or is in ballast, and the gross registered tonnage being calculated according to prescribed rules for measurement in the United States or under the International Convention on Tonnage Measurement of Ships, 1969, as amended from time to time.	0.0866 .....	0.1408.
	(2) a charge per metric ton of cargo as certified on the ship's manifest or other document, as follows:		
	(a) bulk cargo .....	0.8984 .....	0.5953.
	(b) general cargo .....	2.1648 .....	0.9526.
	(c) steel slab .....	1.9592 .....	0.6820
	(d) containerized cargo .....	0.8984 .....	0.5953.
	(e) government aid cargo .....	n/a .....	n/a.
	(f) grain .....	0.5520 .....	0.5953.
	(g) coal .....	0.5304 .....	0.5953.
	(3) a charge per passenger per lock .....	1.2773 .....	1.2773.

Item	Column 1 Description of charges	Column 2 Rate (\$) Montreal to or from Lake Ontario (5 locks)	Column 3 Rate (\$) Welland Canal—Lake Ontario to or from Lake Erie (8 locks)
	(4) a charge per lock for transit of the Welland Canal in either direction by cargo ships:		
	(a) loaded .....	n/a .....	475.42.
	(b) in ballast .....	n/a .....	351.26.
2. ....	Subject to item 3, for partial transit of the Seaway .....	20 per cent per lock of the applicable charge under items 1(1) and (2) plus the applicable charge under items 1(3) and (4).	13 per cent per lock of the applicable charge under items 1(1) and (2) plus the applicable charge under items 1(3) and (4).
3. ....	Minimum charge per ship per lock transited for full or partial transit of the Seaway.	15.92 .....	15.92.
4. ....	A rebate applicable for the 2001 navigation season to the rates of item 1 to 3.	Rebate of 1.5% .....	Rebate of 1.5%.
5. ....	A charge per pleasure craft per lock transited for full or partial transit of the Seaway, including applicable federal taxes <sup>1</sup> .	20.00 .....	20.00

<sup>1</sup> The applicable charge at the Saint Lawrence Seaway Development Corporation's locks (Eisenhower, Snell) is \$20 U.S. or \$30 Canadian per lock. The other amounts shown are in Canadian dollars and are for the Canadian share of tolls. The collection of the U.S. portion of tolls for commercial vessels is waived by law (33 U.S.C. 988a(a)).

#### § 402.9 Operational surcharges—no postponements.

Item	Column 1 Place in Montreal-Lake Ontario section	Column 2 Period after clearance date	Column 3 Amount (\$) (5 locks) <sup>1</sup>
(a) .....	Cape Vincent (downbound) or Cap Saint-Michel (upbound).	(a) 24 hours .....	20,000
		(b) 24 hours or more but less than 48 hours .....	40,000
		(c) 48 hours or more but less than 72 hours .....	60,000
		(d) 72 hours or more but less than 96 hours .....	80,000
(b) .....	Port, dock or wharf within St. Lambert—Iroquois lock segment.	(a) 24 hours .....	n/a
		(b) 24 hours or more but less than 48 hours .....	20,000
		(c) 48 hours or more but less than 72 hours .....	40,000
		(d) 72 hours or more but less than 96 hours .....	60,000

<sup>1</sup>Prorated on a per-lock basis.

#### § 402.10 Operational surcharge after postponements.

Item	Column 1 Place in Montreal-Lake Ontario	Column 2 Period after clearance date	Column 3 Amount (\$) (5 locks) <sup>1</sup>
(a) .....	Cape Vincent (downbound) or Cape Saint-Michel (upbound):		
	(1) If the postponement is for 24 hours .....	(a) 24 hours or more but less than 36 hours .....	20,000
		(b) 36 hours or more but less than 48 hours .....	40,000
		(c) 48 hours or more but less than 72 hours .....	60,000
		(d) 72 hours or more but less than 96 hours .....	80,000
	(2) If the postponement is for 48 hours .....	(a) 48 hours or more but less than 56 hours .....	20,000
		(b) 56 hours or more but less than 64 hours .....	40,000
		(c) 64 hours or more but less than 72 hours .....	60,000
		(d) 72 hours or more but less than 96 hours .....	80,000
	(3) If the postponement is for 72 hours .....	(a) 72 hours or more but less than 78 hours .....	20,000
		(b) 78 hours or more but less than 84 hours .....	40,000
		(c) 84 hours or more but less than 90 hours .....	60,000
		(d) 90 hours or more but less than 96 hours .....	80,000
(b) .....	Port, dock or wharf within St. Lambert—Iroquois lock segment:		
	(1) If the postponement is for 24 hours .....	(a) 24 hours or more but less than 48 hours .....	n/a
		(b) 48 hours or more but less than 60 hours .....	20,000
		(c) 60 hours or more but less than 72 hours .....	40,000
		(d) 72 hours or more but less than 96 hours .....	60,000
	(2) If the postponement is for 48 hours .....	(a) 48 hours or more but less than 72 hours .....	n/a
		(b) 72 hours or more but less than 80 hours .....	20,000
		(c) 80 hours or more but less than 88 hours .....	40,000
		(d) 88 hours or more but less than 96 hours .....	60,000
	(3) If the postponement is for 72 hours or more .....	(a) 72 hours or more but less than 96 hours .....	n/a

<sup>1</sup>Prorated on a per-lock basis.



Issued at Washington, D.C. on March 13, 2001.

Saint Lawrence Seaway Development Corporation.

**Albert S. Jacquez,**

*Administrator.*

[FR Doc. 01-6546 Filed 3-15-01; 8:45 am]

**BILLING CODE 4910-61-P**



# Federal Register

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**Friday,  
March 16, 2001**

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## **Part III**

### **Department of Agriculture**

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**Cooperative State Research, Education,  
and Extension Service**

### **National Aeronautics and Space Administration**

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**Application of Geospatial and Precision  
Technologies Program; Interagency  
Program Announcement; Request for  
Proposals and Request for Input; Notice**

**DEPARTMENT OF AGRICULTURE****Cooperative State Research,  
Education, and Extension Service****NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION****Application of Geospatial and  
Precision Technologies Program;  
Interagency Program Announcement;  
Request for Proposals and Request for  
Input**

**AGENCIES:** U.S. Department of Agriculture and the National Aeronautics and Space Administration.

**ACTION:** Notice of request for proposals and request for input.

**SUMMARY:** As a collaborative, interagency effort, the Cooperative State Research, Education, and Extension Service (CSREES) of the U.S. Department of Agriculture (USDA), and the Earth Science Enterprise (ESE) of the National Aeronautics and Space Administration (NASA) are soliciting proposals for the Application of Geospatial and Precision Technologies Program. Proposals are hereby requested from eligible institutions as identified herein for competitive consideration of awards. By this notice, CSREES additionally solicits stakeholder input from any interested party regarding this request for proposals (RFP) for use in the development of any future RFPs for this Program.

**DATES:** A "Letter of Intent" is requested and is due close of business (COB) on April 11, 2001 (5:00 p.m. EST). Proposals must be received by COB May 9, 2001 (5:00 p.m. EST). Proposals received after this date will not be considered for funding. Comments regarding this RFP are requested within six months from the issuance of this notice. Comments received after that date will be considered to the extent practicable.

**ADDRESSES:** Applicants may e-mail the "Letter of Intent" to Dr. J. Preston Jones at [jpjones@reeusda.gov](mailto:jpjones@reeusda.gov) or send the letter by mail to Application of Geospatial and Precision Technologies Program; Mail Stop 2220; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; 1400 Independence Avenue, SW., Washington, DC 20250-2220; or fax the Letter to Application of Geospatial and Precision Technologies Program at (202) 401-1602.

The address for hand-delivered proposals or proposals submitted using an express mail or overnight courier service is: Application of Geospatial and Precision Technologies Program; c/o

Proposal Services Unit; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; Room 1307, Waterfront Centre; 800 9th Street, SW., Washington, DC 20024.

Proposals sent via the U.S. Postal Service must be sent to the following address: Application of Geospatial and Precision Technologies Program; c/o Proposal Services Unit; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2245; 1400 Independence Avenue, SW., Washington, DC 20250-2245.

Written user comments should be submitted by mail to: Policy and Program Liaison Staff; Office of Extramural Programs; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2299; 1400 Independence Avenue, SW., Washington, DC 20250-2299; or via e-mail to: [RFP-OEP@reeusda.gov](mailto:RFP-OEP@reeusda.gov). In your comments, please include the name of the program and the fiscal year of the RFP to which you are responding.

**FOR FURTHER INFORMATION CONTACT:** Dr. J. Preston Jones, Initiative for Future Agriculture and Food Systems Program (IFAFS); Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture, Room 3436, Waterfront Centre; 800 9th Street, SW., Washington, DC; telephone: (202) 401-1990; fax: (202) 401-1602; e-mail: [jpjones@reeusda.gov](mailto:jpjones@reeusda.gov); or Dr. Raymond Knighton, Initiative For Future Agriculture and Food Systems; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture, Room 3186, Waterfront Centre; 800 9th Street, SW., Washington, DC; telephone: (202) 401-6417; fax: (202) 401-1706; e-mail: [rknighton@reeusda.gov](mailto:rknighton@reeusda.gov); or Dr. Rodney McKellip, ESE Applications Lead Center; John C. Stennis Space Center; Code MA00 Bldg. 1100; SCC, MS 29529-6000; telephone: (228) 688-2984; fax: (228) 688-7455; e-mail: [rmckelli@ssc.nasa.gov](mailto:rmckelli@ssc.nasa.gov); or Dr. Nathan Sovik, ESE Applications Lead Center; John C. Stennis Space Center; MA00 Bldg. 1100; SCC, MS 29529-6000; telephone: (228) 688-7355; fax: (228) 688-7455; e-mail: [nsovik@ssc.nasa.gov](mailto:nsovik@ssc.nasa.gov).

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**Stakeholder Input**

CSREES is requesting comments regarding this solicitation from any interested party. These comments will be considered in the development of any future RFP for the program. Such comments will be forwarded to the Secretary of Agriculture or her designee for use in meeting the requirements of section 103(c)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(c)(2)). This section requires the Secretary to solicit and consider input on a current RFP from persons who conduct or use agricultural research, education and extension for use in formulating future RFPs for competitive programs. Comments should be submitted as provided for in the Addresses and Dates portions of this Notice.

## Catalog of Federal Domestic Assistance

This program is listed in the Catalog of Federal Domestic Assistance under 10.302, Application of Geospatial and Precision Technologies Program, Initiative for Future Agriculture and Food Systems.

### Part I—General Information

#### A. Legislative Authority and Background

Section 401 of the Agricultural Research, Extension, and Education Reform Act of 1998 (AREERA) (7 U.S.C. 7621) established in the Treasury of the United States an Initiative for Future Agriculture and Food Systems (IFAFS) account and authorized the Secretary of Agriculture to establish a research, extension, and education competitive grants program to address critical emerging U.S. agricultural issues related to (1) Future food production, (2) environmental quality and natural resource management, or (3) farm income. Grants are to be awarded in a number of areas including Precision Agriculture. The authority for NASA participation in this program is found in the National Aeronautics and Space Administration Act of 1958, as amended, 42 U.S.C. 2473(c)(5), and section 316 of the National Aeronautics and Space Administration Authorization Act of 2000, Pub. L. No. 106–391 (7 U.S.C. 5935 note).

#### B. Purpose, Priorities and Fund Availability

The purpose of this interagency program announcement is to solicit proposals to support development, validation and application of geospatial and precision technologies that are important to the productivity and sustainability of agriculture, and to the safety and quality of the nation's food supply. Priority will be given to projects that will provide for the application of geospatial and precision technologies to enhance the capacity to integrate site-specific and whole system efficiency and profitability. For the purpose of this announcement, geospatial technologies is defined as the suite of complimentary technologies that includes remote sensing, geographic information systems (GIS), and the Global Positioning System (GPS).

There is no commitment by USDA or NASA to fund any particular proposal or to make a specific number of awards. The participating agencies currently have a total of approximately \$7.5 million available for this Program in fiscal year (FY) 2001. Subject to the availability of funds, the participating agencies anticipate that an additional

\$10 million in funding will be available each year for this program or a successor program in FY 2002, FY 2003 and FY 2004, for an anticipated total level of support of approximately \$38 million over four years.

Applicants may request funding of up to \$2 million over four years. Budgets should be commensurate with activities proposed with most requests expected to fall below the \$2 million level. Awards will be made in the form of grants and cooperative agreements which will be determined at the time of the award. The exact amount of the award will depend on the advice of reviewers, agency priorities, and on the availability of funds. Each participating agency will obligate funds separately. However, a proposal may be funded by one or more of the participating agencies.

#### C. Eligibility

Proposals may be submitted by colleges or universities, or research foundations maintained by a college or university, non-profit organization or Federal research agencies. The source of USDA funds for the Application of Geospatial and Precision Technologies Program is the IFAFS program. Under the IFAFS program, proposals may be submitted by colleges or universities or research foundations maintained by a college or university. This represents a change from the FY 2000 solicitation. Section 724 of Pub. L. No. 106–389, as amended by section 101(a)(3) of H.R. 566 which was enacted by section 1(a)(4) of Pub. L. No. 106–554, removed Federal research agencies, national laboratories, and private research organizations from eligibility for IFAFS awards.

Other types of institutions are not eligible as direct recipients of IFAFS funds, however they may be included as subcontracts on grants made to eligible institutions. Therefore, applications from academic institutions may be awarded by either USDA or NASA. Direct applications from a non-profit organization or Federal research agencies may be supported solely by NASA funds.

#### D. Matching Requirements

If a grant provides for applied research that is commodity specific and not of national scope, the recipient will be required to provide funds or in-kind support to match the amount of Federal funds provided.

#### E. Types of Proposals

In FY 2001, it is anticipated that most projects will be submitted as "New Proposals." However, the USDA held a

Precision Agriculture competition through the IFAFS program in FY 2000. Applicants to that program who were not grantees may choose to submit to the Application of Geospatial and Precision Technologies Program as a resubmission. Therefore two types of applications may be submitted:

1. *New proposal.* This is a project proposal that has not been previously submitted to the Precision Agriculture Program of Initiative for Future Agriculture and Food Systems (IFAFS). All new proposals will be reviewed competitively using the selection process and evaluation criteria described in Part IV—Review Process.

2. *Resubmitted proposal.* This is a proposal that had been previously submitted to the IFAFS but not funded. The resubmitted proposal should clearly indicate the changes that have been made in the project proposal. Further, a clear statement acknowledging comments from the previous reviewers, indicating revisions, rebuttals, etc., can positively influence the review of the proposal. Therefore, for resubmitted proposals, the investigator(s) must respond to the previous panel summary on no more than one page, titled "Response to Previous Review," which is to be placed directly after the Project Summary as described in Part III—Preparation of a Proposal. Resubmitted proposals will be reviewed competitively using the selection process and evaluation criteria described in Part IV—Selection Process.

#### F. Restrictions on Use of Funds

Application of Geospatial and Precision Technologies Program funds may not be used for the renovation or refurbishment of research spaces; the purchase or installation of fixed equipment in such spaces; or the planning, repair, rehabilitation, acquisition, or construction of buildings or facilities.

### Part II—Letter of Intent and Program Description

#### A. Letter of Intent

Applicants are strongly encouraged to submit a Letter of Intent before submitting a full proposal. This letter should consist of three parts: (1) A descriptive title of the proposed project; (2) names and roles of project directors and other key personnel along with their institutions; and (3) a brief statement of approaches and objectives (500 words or less). This information will be used by CSREES and NASA staff in planning the review process. Because Letters of Intent will not be distributed for peer review, there will be no

feedback from CSREES or NASA staff regarding the content of these letters. See Part III, C., Application Submission Information for specific mailing instructions. *Failure to submit a Letter of Intent will not preclude applicants from submitting full proposals, however a Letter of Intent is nonetheless encouraged.*

#### B. Program Description

The section below has been developed based on a Memorandum of Understanding between NASA and USDA, which establishes a partnership for the support of development, validation and application of geospatial and precision technologies for agriculture. Successful proposals will be funded by USDA and NASA.

Geospatial and precision technologies can be valuable tools if their applicability to agriculture and natural resource management can be demonstrated and then adopted. The use of these technologies range from defining simple field management zones to complex integration of multiple data sets with the goal of making production and harvesting more efficient and sustainable. Field-scale management using geospatial and precision technologies is needed to address spatial and temporal variability that limits the efficient use of inputs. Farmers, ranchers, and natural resource managers need decision support systems, remote sensing information, and sensors in their work places that quantify complex interactions between profitability and the natural resource base. To encourage development and adoption of operational solutions, multidisciplinary partnerships with industry, producers, and the research/education community are encouraged. Partnerships with other Federal agencies and partnerships addressing the needs of small and medium-sized farms are encouraged.

Proposals submitted will enhance the Nation's capacity to integrate site-specific and whole system efficiency and profitability while minimizing deleterious impacts on natural resources and the environment. Proposals are solicited to address site-specific resource management based on an improved understanding of how soils, water, nutrients, climate, landscapes, crops and other natural resources interact to influence productivity and environmental quality, such as: (a) Decision support systems that integrate spatial and temporal variability for management of soils, water, nutrients, crop yield and quality, pests, and natural resources; (b) sensing and modeling of natural resource properties,

using both ground-based and remote technologies, and other geospatial and precision technology applications based on user needs; (c) assessment of user needs and development of on-farm science, economic and environmental cost-benefit analysis, and documentation of adoption of geospatial and precision technologies by land managers; and, (d) training of competent and skilled professionals to transfer geospatial and precision technology to the user community. Proposals that provide short-term, low-risk solutions to the above priority issues are encouraged.

Each proposal should have a clearly written management plan for the proposed applications being developed and evaluated. Proposals should also include a clear plan for evaluating the suitability (feasibility, efficacy, profitability, required infrastructure, and adoption strategies) of applications for the end user. Proposals should include a plan for the sustained use of the project's results (services, models, databases, support groups, training, etc.). Successful applicants may be invited to participate in an annual meeting with USDA and NASA scientists and other grantees to report on research activities and to discuss areas of mutual interest. Travel funds should be budgeted to accommodate that eventuality.

*(Additional information on related programs may be found at the USDA website <http://www.reeusda.gov/ifafs> and at the NASA website <http://www.ag2020.org>.)*

### Part III—Preparation of a Proposal

#### A. Program Application Materials

Both participating agencies have agreed to use the USDA guidelines for proposal format (see below) and application kit. Other material may be required at the time of funding to facilitate the implementation of the award. Proposals that are funded by NASA may be subject to additional submission and reporting requirements.

Program application materials are available at the CSREES website ([www.reeusda.gov/AGPT](http://www.reeusda.gov/AGPT)). If you do not have access to the CSREES web page or have trouble downloading material, you may contact the Proposal Services Unit, Office of Extramural Programs, USDA/CSREES at (202) 401-5048. When calling the Proposal Services Unit, please indicate that you are requesting forms for the Application of Geospatial and Precision Technologies Program. These materials may also be requested via Internet by sending a message with your name, mailing address (not e-mail)

and phone number to [psb@reeusda.gov](mailto:psb@reeusda.gov). State that you want a copy of the Program Description and application materials (orange book) for the Fiscal Year 2001 Application of Geospatial and Precision Technologies Program.

#### B. Content of Proposals

The proposals should be prepared following the guidelines and the instructions below.

Each proposal must contain the following elements in the order indicated:

##### 1. General

The proposal should follow these guidelines, enabling reviewers to more easily evaluate the merits of each proposal in a systematic, consistent fashion:

(a) The proposal should be prepared on only one side of the page using standard size (8½" x 11") white paper, one inch margins, typed or word processed using no type smaller than 12 point font, and single or double spaced. Use an easily readable font face (e.g., Geneva, Helvetica, Times Roman).

(b) Each page of the proposal, including the Project Summary, budget pages, required forms, and any appendices, should be numbered sequentially.

(c) The proposal should be stapled in the upper left-hand corner. Do not bind. An original and 14 copies (15 total) must be submitted in one package, along with 10 copies of the "Project Summary" as a separate attachment.

(d) If applicable, proposals should include original illustrations (photographs, color prints, etc.) in all copies of the proposal to prevent loss of meaning through poor quality reproduction.

##### 2. Application for Funding Cover Page (Form CSREES-661)

Each copy of each grant proposal must contain an "Application for Funding", Form CSREES-661. One copy of the application, preferably the original, must contain the pen-and-ink signature(s) of the proposing principal investigator(s)/project director(s)(PI/PD) and the authorized organizational representative who possesses the necessary authority to commit the organization's time and other relevant resources to the project. Any proposed PI/PD or co-PI/PD whose signature does not appear on Form CSREES-661 will not be listed on any resulting grant award. Complete both signature blocks located at the bottom of the "Application for Funding" form.

Form CSREES-661 serves as a source document for the CSREES grant

database; it is therefore important that it be completed accurately. The following items are highlighted as having a high potential for errors or misinterpretations:

(1) Title of Project (Block 6). The title of the project must be brief (80-character maximum), yet represent the major thrust of the effort being proposed. Project titles are read by a variety of nonscientific people; therefore, highly technical words or phraseology should be avoided where possible. In addition, introductory phrases such as "investigation of," "research on," "education for," or "outreach that" should not be used.

(2) Program to Which You Are Applying (Block 7). "Application of Geospatial and Precision Technologies."

(3) Type of Award Request (Block 13). Check the block for "new" or "resubmission."

(4) Principal Investigator(s)/Project Director(s) (PI/PD) (Block 15). The designation of excessive numbers of co-PI/PDs creates problems during final review and award processing. Listing multiple co-PI/PDs, beyond those required for genuine collaboration, is therefore discouraged. Note that providing a Social Security Number is voluntary, but is an integral part of the CSREES information system and will assist in the processing of the proposal.

(5) Type of Performing Organization (Block 18). A check should be placed in the box beside the type of organization which actually will carry out the effort. For example, if the proposal is being submitted by an 1862 Land-Grant institution but the work will be performed in a department, laboratory, or other organizational unit of an agricultural experiment station, box "03" should be checked. If portions of the effort are to be performed in several departments, check the box that applies to the individual listed as PI/PD #1 in Block 15.a.

(6) Other Possible Sponsors (Block 22). List the names or acronyms of all other public or private sponsors including other agencies within USDA and other programs funded by CSREES to whom your application has been or might be sent. In the event you decide to send your application to another organization or agency at a later date, you must inform the identified CSREES Program Director as soon as practicable. Submitting your proposal to other potential sponsors will not prejudice its review by CSREES; however, duplicate support for the same project will not be provided. Complete the "Application for Funding," Form CSREES-661, in its entirety.

(7) One copy of the "Application for Funding" form must contain the signatures (in ink) of the PI/PDs and authorized organizational representative for the applicant organization.

### 3. Table of Contents

For ease in locating information, each proposal must contain a detailed table of contents just after the proposal Cover Page. The Table of Contents should include page numbers for each component of the proposal. Pagination should begin immediately following the Project Summary (see next section).

### 4. Project Summary

The proposal must contain a Project Summary of 250 words or less on a separate page which should be placed immediately after the Table of Contents and should not be numbered. The names and institutions of all PI/PDs and co-PI/PDs should be listed on this form, in addition to the title of the project. The summary is not intended for the general reader; consequently, it may contain technical language comprehensible by persons in disciplines relating to the food and agricultural sciences. The project summary should be a self-contained, specific description of the activity to be undertaken and should focus on: overall project goal(s) and supporting objectives; plans to accomplish project goal(s); and relevance of the project to the goals of the Application of Geospatial and Precision Technologies Program.

### 5. Response to Previous Review

This requirement only applies to Resubmitted Proposals as described under Part I, E., Types of Proposals. Resubmitted proposals are proposals that had previously been submitted to the IFAFS Precision Agriculture Program but not funded. For these proposals, the PI/PDs must respond to the previous panel summary on no more than one page, titled Response to Previous Review, which is to be placed directly after the Project Summary. If desired, additional comments and responses to the previous panel summary may be included in the text of the Project Description, subject to the page limitation.

### 6. Project Description

A description of the project must not exceed 20 pages inclusive of tables, diagrams and other visual material, but excluding citations. The project description should be numbered and single or double-spaced with text on one side of the page using a 12 point (10 cpi) type font size and one-inch margins.

The following points must be addressed in this section.

Each project proposal's Project Description should contain the following:

*a. Introduction*—A clear statement of the long-term goal(s) and supporting objectives of the proposed activities should be included. Summarize the body of knowledge or other past activities which substantiates the need for the proposed project. Describe ongoing or recently completed significant activities related to the proposed project including the work of key project personnel. Preliminary data/information pertinent to the proposed project should be included;

*b. Relevance and Significance*—The objectives' specific relationship to the goals of the IFAFS Program and to the Application of Geospatial and Precision Technologies Program in particular should be stated. Include a description of the significance of the activity and its value in improving agriculture through research, education and extension. Clearly describe the potential impact of the project.

*c. Approach*—The activities proposed or problems being addressed must be clearly stated and the approaches being applied clearly described. The following should be included: (1) A description of the activities proposed; (2) methods to be used in carrying out the project, including the feasibility of the methods; (3) expected outcomes; (4) means by which results will be analyzed, assessed, or interpreted; and (5) how results or products will be used.

*d. Time Table*—Provide an expected time line for completing the project in the requested duration.

*e. Collaborative Arrangements*—Identify collaborations and provide a full explanation of the nature of the collaborations.

*f. Management Plan*—It is expected that larger more complex projects (usually greater than \$1 million) will require more extensive and complicated coordination and collaboration than is typically proposed for more focused projects. Therefore, explain how the project will be managed to ensure efficient administration of the grant and how activities will be integrated most effectively. Place this description after the Project Description.

*g. Evaluation and Monitoring of Project*—Provide a plan for assessing and evaluating the accomplishments of the stated proposal objectives during the project and describe ways to determine the effectiveness of the end results during and upon termination of the project. In addition to the evaluation and monitoring of accomplishments

associated with the project, evaluation and monitoring of the administration of the project must also be included if the project is complex and requires administrative oversight and extensive management. This description should include how funds and resources will be allocated so that collaborative participation of all parties throughout the duration of the project is ensured.

#### 7. References in Project Description

All references cited should be complete, including titles and all co-authors, and should conform to an accepted journal format.

#### 8. Appendices to Project Description

Appendices to the Project Description are allowed if they are directly germane to the proposed project and are limited to a total of two of the following: reprints (papers that have been published in peer reviewed journals) and preprints (manuscripts in press for a peer reviewed journal; these must be accompanied by a letter of acceptance from the publishing journal).

#### 9. Facilities and Equipment

All facilities and major items of equipment that are available for use or assignment to the proposed research project during the requested period of support should be described. In addition, items of nonexpendable equipment necessary to conduct and successfully complete the proposed project and for which support is requested under this program should be listed in the budget narrative with the amount and justification for each item.

#### 10. Collaborative and/or Subcontractual Arrangements

If it will be necessary to enter into formal consulting or collaborative arrangements with others, such arrangements should be fully explained and justified. In addition, evidence should be provided that the collaborators involved have agreed to render these services. If the need for consultant services is anticipated, the proposal narrative should provide a justification for the use of such services, a statement of work to be performed, and a resume or curriculum vita for each consultant. For purposes of proposal development, informal day-to-day contacts between key project personnel and outside experts are not considered to be collaborative arrangements and thus do not need to be detailed.

All anticipated subcontractual arrangements also should be explained and justified in this section. A proposed statement of work and a budget for each

arrangement involving the transfer of substantive programmatic work or the providing of financial assistance to a third party must be provided.

Agreements between departments or other units of your own institution and minor arrangements with entities outside of your institution (e.g., requests for outside laboratory analyses) are excluded from this requirement.

If you expect to enter into subcontractual arrangements, please note that the provisions contained in 7 CFR part 3019, USDA Uniform Administrative Requirements for Grant and Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, and the general provisions contained in 7 CFR part 3015.205, USDA Uniform Federal Assistance Regulations, flow down to subrecipients. In addition, required clauses from Sections 40—48 ("Procurement Standards") and Appendix A ("Contract Provisions") of 7 CFR part 3019 should be included in final contractual documents, and it is necessary for the subawardee to make a certification relating to debarment/suspension.

#### 11. Key Personnel

All senior personnel who are expected to be involved in the effort should be clearly identified. For each person the following should be included:

- The roles and responsibilities of each PI/PD should be described;
- An estimate of time commitment for each PI/PD; and
- Vitae of each PI/PD, senior associate and other professional personnel. This section should include vitae of all key persons who are expected to work on the project, whether or not funding is sought for their support. The vitae should be limited to two (2) pages in length, excluding publication lists. A chronological list of all publications in refereed journals during the past four (4) years, including those in press, must be provided for each project member for which a curriculum vitae is provided. Also list those non-refereed technical publications which have relevance to the proposed project. All authors should be listed in the same order as they appear on each paper cited, along with the title and complete reference as these usually appear in journals.

#### 12. Conflict-of-Interest List

A Conflict-of-Interest List must be provided for all individuals involved in the project (identified as key personnel). Each list should be on a separate page and include alphabetically the full

names of the individuals in the following categories: (a) All collaborators on projects within the past four years, including current and planned collaborations; (b) all co-authors on publications within the past four years, including pending publications and submissions; (c) all persons in your field with whom you have had a consulting or financial arrangement within the past four years who stand to gain by seeing the project funded; and (d) all thesis or postdoctoral advisees/advisors within the past four years (some may wish to call these life-time conflicts). This form is necessary to assist program staff in excluding from proposal review those individuals who have conflicts-of-interest with the personnel in the grant proposal.

#### 13. Budget

Prepare the budget, Form CSREES-55, in accordance with instructions provided. Budgets of up to a total of \$2 million over four years may be requested. Budgets should be commensurate with activities proposed with most requests expected to fall below the \$2 million level. A budget form is required for each year of requested support. In addition, a cumulative budget is required detailing the requested total support for the overall project period. A copy of the form, which must be used for this purpose, along with instructions for completion is included in the Application Kit and may be reproduced as needed by applicants. Funds may be requested under any of the categories listed on the form, provided that the item or service for which support is requested is allowable under the authorizing legislation, the applicable Federal cost principles, and these program guidelines, and can be justified as necessary for the successful conduct of the proposed project. Applicants must also include a Budget Narrative to justify their budgets (see paragraph 13 below.)

The following guidelines should be used in developing your proposal budget(s):

- Salaries and Wages.* Salaries and wages are allowable charges and may be requested for personnel who will be working on the project in proportion to the time such personnel will devote to the project. If salary funds are requested, the number of Senior and Other Personnel and the number of CSREES/NASA-Funded Work Months must be shown in the spaces provided. Grant funds may not be used to augment the total salary or rate of salary of project personnel or to reimburse them for time

in addition to a regular full-time salary covering the same general period of employment. Salary funds requested must be consistent with the normal policies of the institution.

*b. Fringe Benefits.* Funds may be requested for fringe benefit costs if the usual accounting practices of your organization provide that organizational contributions to employee benefits (social security, retirement, etc.) be treated as direct costs. Fringe benefit costs may be included only for those personnel whose salaries are charged as a direct cost to the project.

*c. Nonexpendable Equipment.* Nonexpendable equipment means tangible nonexpendable personal property including exempt property charged directly to the award having a useful life of more than one year and an acquisition cost of \$5,000 (or lower, depending on institutional policy) or more per unit. As such, items of necessary instrumentation or other nonexpendable equipment should be listed individually by description and estimated cost in the Budget Narrative. This applies to revised budgets as well, as the equipment item(s) and amount(s) may change.

*d. Materials and Supplies.* The types of expendable materials, supplies, and data which are required to carry out the project should be indicated in general terms with estimated costs in the Budget Narrative.

*e. Travel.* The type and extent of travel and its relationship to project objectives should be described briefly and justified. If foreign travel is proposed, the country to be visited, the specific purpose of the travel, a brief itinerary, inclusive dates of travel, and estimated cost must be provided for each trip. Airfare allowances normally will not exceed round-trip jet economy air accommodations. U.S. flag carriers must be used when available. See 7 CFR 3015.205(b)(4) for further guidance.

*f. Publication Costs/Page Charges.* Include anticipated costs associated with publications in a journal (preparing and publishing results including page charges, necessary illustrations, and the cost of a reasonable number of coverless reprints) and audio-visual materials that will be produced. Photocopying and printing brochure, etc., should be shown in Section I, "All Other Direct Costs" of Form CSREES-55.

*g. Computer (ADPE) Costs.* Reimbursement for the costs of using specialized facilities (such as a university- or department-controlled computer mainframe or data processing center) may be requested if such

services are required for completion of the work.

*h. All Other Direct Costs.* Anticipated direct project charges not included in other budget categories must be itemized with estimated costs and justified in the Budget Narrative. This also applies to revised budgets, as the item(s) and dollar amount(s) may change. Examples may include space rental at remote locations, subcontractual costs, and charges for consulting services, telephone, facsimile, shipping costs, and fees necessary for laboratory analyses. You are encouraged to consult the "Instructions for Completing Form CSREES-55, Budget," of the Application Kit for detailed guidance relating to this budget category. Form AD-1048 must be completed by each subcontractor or consultant and retained by the grantee.

*i. Indirect Costs.* When submitting a proposal, institutions should use their current Federal negotiated rate for indirect costs. Please note that indirect costs for all competitive proposals funded by CSREES are capped at 19% of total Federal funds provided under the award by section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310). Therefore, awards made by CSREES for the Application of Geospatial and Precision Technologies Program are subject to 19 percent indirect costs limitation. (This limitation also applies to the recovery of indirect costs by any subawardee or subcontractor, and should be reflected in the subrecipient budget.) A method for calculating the maximum allowable amount of indirect costs for an USDA award is by multiplying total direct costs by 0.23456. To accommodate the differences in allowable indirect costs between USDA and NASA, the applicant may be required at the time of award to submit a separate budget with indirect cost rates appropriate to each agency.

#### 14. Budget Narrative

A budget narrative should be included which discusses how the budget specifically supports the proposed project activities. Except for indirect costs for which support is requested, the budget narrative should explain how each budget item (such as salaries and wages for professional and technical staff, student workers, travel, equipment, etc.) is essential to achieving project objectives. Funds may be requested under any of the categories listed on the budget form, provided that the item or service for which support is sought is allowable under the enabling

legislation and the applicable Federal cost principles.

#### 15. Matching Funds

(a) If an applicant concludes that matching funds are not required as specified in Part I, D., a justification should be included in the Budget Narrative. CSREES and NASA will consider this justification when ascertaining final matching requirements. CSREES and NASA retain the right to make final determinations regarding matching requirements.

For those grants requiring matching funds as specified in Part I, D., proposals should include written verification of commitments of matching support (including both cash and in-kind contributions) from third parties. Written verification means:

(i) For any third party cash contributions, a separate pledge agreement for each donation, signed by the authorized organizational representatives of the donor organization and the applicant organization, which must include: (A) the name, address, and telephone number of the donor; (B) the name of the applicant organization; (C) the title of the project for which the donation is made; (D) the dollar amount of the cash donation; and (E) a statement that the donor will pay the cash contribution during the grant period; and

(ii) For any third party in-kind contributions, a separate pledge agreement for each contribution, signed by the authorized organizational representatives of the donor organization and the applicant organization, which must include: (A) the name, address, and telephone number of the donor; (B) the name of the applicant organization; (C) the title of the project for which the donation is made; (D) a good faith estimate of the current fair market value of the third party in-kind contribution; and (E) a statement that the donor will make the contribution during the grant period.

(b) The sources and amount of all matching support from outside the applicant institution should be summarized on a separate page and placed in the proposal immediately following the Budget Narrative. All pledge agreements must be placed in the proposal immediately following the summary of matching support.

(c) The value of applicant contributions to the project shall be established in accordance with applicable cost principles. Applicants should refer to OMB Circulars A-21, Cost Principles for Educational Institutions, A-87, Cost Principles for State, Local, and Tribal Governments,



A-122, Cost Principles for Non-Profit Organizations, and for for-profit organizations, the cost principles in the Federal Acquisition Regulation at 48 CFR Subpart 31.2 (see 7 CFR 3015.194).

#### 16. Current and Pending Support

All proposals must contain Form CSREES-663 listing other current public or private support (including in-house support) to which key personnel identified in the proposal have committed portions of their time, whether or not salary support for person(s) involved is included in the budget. Analogous information must be provided for any pending proposals that are being considered by, or that will be submitted in the near future to, other possible sponsors, including other USDA and NASA Programs or agencies. Concurrent submission of identical or similar proposals to the possible sponsors will not prejudice proposal review or evaluation by the CSREES and NASA for this purpose. However, a proposal that duplicates or overlaps substantially with a proposal already reviewed and funded (or to be funded) by another organization or agency will not be funded under this program. Note that the project being proposed should be included in the pending section of the form.

#### 17. Assurance Statement(s), (Form CSREES-662)

A number of situations encountered in the conduct of projects require special assurances, supporting documentation, etc., before funding can be approved for the project. In addition to any other situation that may exist with regard to a particular project, it is expected that some applications submitted in response to these guidelines will involve the following:

*a. Recombinant DNA or RNA Research*—As stated in 7 CFR Part 3015.205(b)(3), all key personnel identified in the proposal and all endorsing officials of the proposing organization are required to comply with the guidelines established by the National Institutes of Health entitled, "Guidelines for Research Involving Recombinant DNA Molecules," as revised. If your project proposes to use recombinant DNA or RNA techniques, you must so indicate by checking the "yes" box in Block 19 of Form CSREES-661 (the Cover Page) and by completing Section A of Form CSREES-662. For applicable proposals recommended for funding, Institutional Biosafety Committee approval is required before CSREES or NASA funds will be released.

*b. Animal Care*—Responsibility for the humane care and treatment of live vertebrate animals used in any grant project supported with funds provided by CSREES or NASA rests with the performing organization. Where a project involves the use of living vertebrate animals for experimental purposes, all key project personnel identified in a proposal and all endorsing officials of the proposing organization are required to comply with the applicable provisions of the Animal Welfare Act of 1966, as amended (7 U.S.C. 2131 *et seq.*) and the regulations promulgated thereunder by the Secretary in 9 CFR parts 1, 2, 3, and 4 pertaining to the care, handling, and treatment of these animals. If your project will involve these animals, you should check "yes" on block 20 of CSREES-661 and complete Section B of Form CSREES-662. In the event a project involving the use of live vertebrate animals results in a grant award, funds will be released only after the Institutional Animal Care and Use Committee has approved the project.

*c. Protection of Human Subjects*—Responsibility for safeguarding the rights and welfare of human subjects used in any grant project supported with funds provided by CSREES or NASA rests with the performing organization. Guidance on this issue is contained in the National Research Act, Pub. L. No. 93-348, as amended, and implementing regulations promulgated by the Department under 7 CFR part 1c. If you propose to use human subjects for experimental purposes in your project, you should check the "yes" box in Block 21 of Form CSREES-661 and complete Section C of Form CSREES-662. In the event a project involving human subjects results in a grant award, funds will be released only after the appropriate Institutional Review Board has approved the project.

#### 18. Certifications

Note that by signing Form CSREES-661 the applicant is providing certifications required by 7 CFR part 3017, as amended, regarding Debarment and Suspension and Drug Free Workplace, and 7 CFR part 3018, regarding Lobbying. The certification forms are included in the application package for informational purposes only. These forms should not be submitted with the proposal since by signing form CSREES-661 your organization is providing the required certifications. If the project will involve a subcontractor or consultant, the subcontractor/consultant should submit a form AD-1048 to the grantee organization for retention in their

records. This form should not be submitted to USDA.

#### 19. Compliance With the National Environmental Policy Act (NEPA)

As outlined in 7 CFR part 3407 (the Cooperative State Research, Education, and Extension Service regulations implementing NEPA) and 14 CFR part 1216 (the NASA regulations regarding compliance with NEPA), the environmental data for any proposed project is to be provided to CSREES and NASA so that the Federal agency may determine whether any further action is needed. In some cases, however, the preparation of environmental data may not be required. Certain categories of actions are excluded from the requirements of NEPA.

In order for CSREES to determine whether any further action is needed with respect to NEPA (e.g., preparation of an environmental assessment (EA) or environmental impact statement (EIS)), pertinent information regarding the possible environmental impacts of a proposed project is necessary; therefore, Form CSREES-1234, "NEPA Exclusions Form," must be included in the proposal indicating whether the applicant is of the opinion that the project falls within a categorical exclusion and the reasons therefore. If it is the applicant's opinion that the proposed project falls within the categorical exclusions, the specific exclusion must be identified. Form CSREES-1234 and supporting documentation should be included as the last page of this proposal.

Even though a project may fall within the categorical exclusions, CSREES may determine that an EA or EIS is necessary for an activity, if substantial controversy on environmental grounds exists or if other extraordinary conditions or circumstances are present which may cause such activity to have a significant environmental effect.

#### C. Application Submission Information

##### 1. When to Submit

A "Letter of Intent" must be received by COB April 11, 2001 (5:00 p.m. EST). Proposals must be received by COB on May 9, 2001 (5:00 p.m. EST). Proposals received after this date will not be considered for funding.

##### 2. What to Submit

For full proposals, an original and 14 copies must be submitted. Also submit 10 copies of the proposal's Project Summary. All copies of the proposals and the Project Summaries must be submitted in one package.

### 3. Where to Submit

Applicants should e-mail the "Letter of Intent" to Dr. J. Preston Jones at [jpjones@reeusda.gov](mailto:jpjones@reeusda.gov) or send the letter by mail to Application of Geospatial and Precision Technologies Program; Mail Stop 2220; Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture; 1400 Independence Avenue, SW., Washington, DC 20250-2220; or fax the letter at (202) 401-1602.

Applicants are strongly encouraged to submit completed proposals via overnight mail or delivery service to ensure timely receipt by the USDA. The address for hand-delivered proposals or proposals submitted using an express mail or overnight courier service is:

Application of Geospatial and Precision Technologies Program, c/o Proposal Services Unit, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, Room 1307, Waterfront Centre 800 9th Street, SW., Washington, DC 20024.

Proposals sent via the U.S. Postal Service must be sent to the following address:

Application of Geospatial and Precision Technologies Program, c/o Proposal Services Unit, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, STOP 2220, 1400 Independence Avenue, SW., Washington, DC 20250-2220.

### D. Acknowledgment of Proposals

The receipt of proposals will be acknowledged by e-mail. Therefore, applicants are encouraged to provide e-mail addresses, where designated, on the Form CSREES-661. If the applicant's e-mail address is not indicated, CSREES will acknowledge receipt of the proposal by letter.

Once the proposal has been assigned an identification number, please cite that number on all future correspondence. If the applicant does not receive an acknowledgment within 60 days of the submission deadline, please contact the Program Director.

## Part IV—Review Process

### A. General

All proposals, will be reviewed together by a panel in the pertinent program area. Prior to technical examination, a preliminary review will be made for responsiveness to the program area. Proposals that do not fall within the guidelines of this Program will be eliminated from Program competition and will be returned to the applicant.

Individual written comments and in-depth discussions will be provided by a peer review panel prior to recommending applications for funding. Peer review panel members will be selected based upon their training and experience in relevant scientific, extension, or education fields taking into account the following factors: (a) The level of formal scientific, technical education, and extension experience of the individual, as well as the extent to which an individual is engaged in relevant research, education or extension activities; (b) the need to include as peer reviewers experts from various areas of specialization within relevant scientific, education, and extension fields; (c) the need to include as reviewers other experts (producers, range or resource managers/operators, consumers, etc.) who can assess relevance of the proposals to targeted audiences and to program needs; (d) the need to include as peer reviewers experts from a variety of organizational types (e.g., colleges, universities, industry, state and Federal agencies, private profit and non-profit organizations), and geographic locations; (e) the need to maintain a balanced composition of peer review groups with regard to minority and female representation and an equitable age distribution; and (f) the need to include members that can judge the effective usefulness to producers and the general public of each proposal.

### B. Evaluation Factors

Priority will be given to projects that integrate agricultural research, education and extension and projects that have included the appropriate team to achieve the goals of the project, notably teams that are multi-state, multi-institutional or multi-disciplinary.

The following evaluation factors apply to all proposals.

#### 1. Relevance

All proposals will be judged as to their relevance to critical emerging agricultural issues related to future food production; environmental quality, and natural resource management; or farm income. Further factors include:

(a) Documentation that the research, extension and education activities are directed towards current or likely future problems or problems identified in this document;

(b) Linkage of research, extension and education functions.

(c) Involvement of stakeholders and/or communities of interest.

### 2. Merit

All proposals will be judged on their scientific, extension, or education merit including:

(a) Novelty, innovation, uniqueness, and originality;

(b) Conceptual adequacy of the research, extension and education components;

(c) Clarity and delineation of objectives;

(d) Adequacy of the description of the undertaking and suitability and feasibility of methodology;

(e) Demonstration of feasibility;

(f) Probability of success of the project;

### 3. Quality

All proposals will be judged on their quality including:

(a) Selection of most appropriate and qualified individuals to address the problem;

(b) Training and demonstrated awareness of previous and alternative approaches to the problem identified in the proposal, and performance record or potential for future accomplishments;

(c) Time allocated for systematic attainment of objectives;

(d) Institutional experience and competence in subject area;

(e) Adequacy of available or obtainable support personnel, facilities, and instrumentation;

(f) Adequacy of plans for reporting, assessing and monitoring of results of the project over its duration.

(g) The planned administration of the project and its maintenance, partnerships, collaborative efforts, evaluation and monitoring efforts, and the planned dissemination of information over the duration of the project.

## Part IV—Award Administration

The Application of Geospatial and Precision Technologies Program will be administered and managed as an interagency program involving both participating agencies throughout the entire process from the development of the program announcement to the review and selection, and monitoring of awards. The interagency program managers will coordinate program administration activities such as review of periodic reporting of project evaluations and annual investigator team meetings.

USDA and NASA will fund awards separately. The amount of each award will be determined jointly by USDA and NASA and their representatives after the panel review process has been completed. Other material may be

required at the time of funding to facilitate the implementation of the award from participating agencies.

#### A. General

Within the limit of funds available for such purpose, the awarding official shall make awards to those responsible, eligible applicants whose proposals are judged most meritorious in the announced program area by procedures set forth in this request for proposals. The date specified as the effective date of the award shall be no later than September 30, of the Federal fiscal year in which the project is approved for support and funds are appropriated for such purpose, unless otherwise permitted by law. It should be noted that the project need not be initiated on the award effective date, but as soon thereafter as practicable so that project goals may be attained within the funded project period. All funds awarded under this request for proposals shall be expended solely for the purpose for which the funds are awarded in accordance with the approved application and budget, the terms and conditions of the award, the applicable Federal cost principles, and the applicable participating agency assistance regulations.

#### B. Organizational Management Information

Specific management information relating to an applicant shall be submitted on a one-time basis as part of the responsibility determination prior to the award of an award if such information has not been provided previously under this or another program for which the sponsoring agency is responsible. Copies of forms recommended for use in fulfilling the requirements contained in this section will be provided by the awarding agency as part of the pre-award process.

#### C. Award Document

The award document shall include at a minimum the following:

1. Legal name and address of performing organization or institution to whom the funding agency has awarded an award under this program;
2. Title of Project;
3. Name(s) and address(es) of principal investigator(s) chosen to direct and control approved activities;
4. Award identification number assigned by the funding agency;
5. Project period, specifying the amount of time the funding agency intends to support the project without requiring recompetition for funds;

6. Total award amount approved by the funding agency during the project period;

7. Legal authority(ies) under which the award is made;

8. Approved budget plan for categorizing project funds to accomplish the stated purpose of the award; and

9. Other information or provisions deemed necessary by the funding agency to carry out its respective awarding activities or to accomplish the purpose of a particular award.

#### D. Notice of Award

The notice of award, in the form of a letter, will be prepared and will provide pertinent instructions or information to the awardee that is not included in the award document.

#### E. Funding Mechanisms

The two mechanisms by which grants may be awarded are as follows:

1. *Standard Grant*—This is a funding mechanism whereby the Federal Government agrees to support a specified level of effort for a predetermined time period without the announced intention of providing additional support at a future date.

2. *Continuation Grant*—This is a funding mechanism whereby the Federal Government agrees to support a specified level of effort for a predetermined period of time with a statement of intention to provide additional support at a future date, provided that performance has been satisfactory, appropriations are available for this purpose, and continued support will be in the best interests of the Federal government and the public. This kind of mechanism normally will be awarded for an initial one-year period, and any subsequent continuation project grants will be awarded in one-year increments. The award of a continuation project grant to fund an initial or succeeding budget period does not constitute an obligation to fund any subsequent budget period. Unless prescribed otherwise by CSREES or NASA, a grantee must submit a separate application for continued support for each subsequent fiscal year. Requests for such continued support must be submitted in duplicate at least three months prior to the expiration date of the budget period currently being funded. Decisions regarding continued support and the actual funding levels of such support in future years usually will be made administratively after consideration of such factors as the grantee's progress and management practices and the availability of funds. Since initial peer reviews are based upon the full term

and scope of the original application, additional evaluations of this type generally are not required prior to successive years' support. However, in unusual cases (e.g., when the nature of the project or key personnel change or when the amount of future support requested substantially exceeds the grant application originally reviewed and approved), additional reviews may be required prior to approving continued funding.

#### F. Use of Funds; Changes

Unless otherwise stipulated in the terms and conditions of the award, the following provisions apply:

1. *Delegation of Fiscal Responsibility*: The awardee may not in whole or in part delegate or transfer to another person, institution, or organization the responsibility for use or expenditure of funds.

2. *Changes in Project Plans*: a. The permissible changes by the awardee, principal investigator(s), or other key project personnel in the approved research project award shall be limited to changes in methodology, techniques, or other aspects of the project to expedite achievement of the project's approved goals. If the awardee and/or the principal investigator(s) are uncertain as to whether a change complies with this provision, the question must be referred to the CSREES Authorized Departmental Officer (ADO) or NASA Procurement Officer for a final determination.

b. Changes in approved goals, or objectives, shall be requested by the awardee and approved in writing by the CSREES ADO or NASA Procurement Officer prior to effecting such changes. In no event shall requests for such changes be approved which are outside the scope of the original approved project.

c. Changes in approved project leadership or the replacement or reassignment of other key project personnel shall be requested by the awardee and approved in writing by the awarding official prior to effecting such changes.

d. Transfers of actual performance of the substantive programmatic work in whole or in part and provisions for payment of funds, whether or not Federal funds are involved, shall be requested by the awardee and approved in writing by the CSREES ADO or NASA Procurement Officer prior to effecting such transfers.

e. *Changes in Project Period*: The project period may be extended by the awarding agency without additional financial support, for such additional period(s) as the CSREES ADO or NASA

Procurement Officer determines may be necessary to complete or fulfill the purposes of an approved project. Any extension of time shall be conditioned upon prior request by the awardee and approval in writing by the CSREES ADO or NASA Procurement Officer, unless prescribed otherwise in the terms and conditions of an award.

f. *Changes in Approved Budget:* Changes in an approved budget must be requested by the awardee and approved in writing by the CSREES ADO or NASA Procurement Officer prior to instituting such changes if the revision will involve transfers or expenditures of amounts requiring prior approval as set forth in the applicable Federal costs principles, Agency regulations, or in the award document.

*G. Applicable Federal Statutes and Regulations*

Several other Federal statutes and regulations apply to proposals considered for review and to projects awarded under this program. For CSREES awards, the applicable regulations are those cited in Part V. E. of the IFAFS RFP published in the **Federal Register** on February 23, 2001,

66 FR 11507. The CFDA numbers are as follows: USDA—10.206; NASA—43.002. The Office of Management and Budget (OMB) number for NASA is OMB No. 3145–0058. For specific information on policies and procedures relating to the award and administration of NASA grants and cooperative agreements, refer to the Grant and Cooperative Agreement Handbook (NPG 5800.1) which can be found at <http://ec.msfc.nasa.gov/hq/grcover.htm>.

*H. Confidential Aspects of Proposals and Awards*

When a proposal results in an award, it becomes a part of the record of the Agency's transactions, available to the public upon specific request. Information that the CSREES or NASA Administrator determines to be of a confidential, privileged, or proprietary nature will be held in confidence to the extent permitted by law. Therefore, any information that the applicant wishes to have considered as confidential, privileged, or proprietary should be clearly marked as such and sent in a separate statement, two copies of which should accompany the proposal. The original copy of a proposal that does not

result in an award will be retained by the Agency for a period of one year. Other copies will be destroyed. Proposals that do not receive an award will be released to others only with the consent of the applicant or to the extent required by law. If such a request is made, the applicant will be consulted prior to release of the proposal. A proposal may be withdrawn at any time prior to the final selection action thereon.

Potential applicants are strongly encouraged to contact a program official and discuss their plans. Inquiries regarding the announcement can be directed to any one of the agency representatives identified at the beginning of this RFP.

Done at Washington, D.C., on this 13th day of March 2001.

**Colien Hefferan,**

*Administrator, Cooperative State Research, Education, and Extension Service.*

**Michael R. Thomas,**

*Acting Director, Applications Division, Office of Earth Science, National Aeronautics and Space Administration.*

[FR Doc. 01–6573 Filed 3–15–01; 8:45 am]

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**REMINDERS**

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

**RULES GOING INTO EFFECT MARCH 16, 2001****TREASURY DEPARTMENT****Internal Revenue Service**

Income taxes:

Purchase price allocations in deemed and actual asset acquisitions; published 2-13-01

**COMMENTS DUE NEXT WEEK****AGRICULTURE DEPARTMENT****Agricultural Marketing Service**

Federal Seed Act:

National Organic Program; establishment; comments due by 3-21-01; published 12-21-00

**AGRICULTURE DEPARTMENT****Animal and Plant Health Inspection Service**

Plant-related quarantine, domestic:

Karnal bunt; comments due by 3-19-01; published 1-16-01

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Mangoes from Philippines; comments due by 3-23-01; published 1-22-01

**COMMERCE DEPARTMENT****International Trade Administration**

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**COMMERCE DEPARTMENT****National Oceanic and Atmospheric Administration**

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Southern California steelhead; comments due by 3-22-01; published 2-21-01

Fishery conservation and management:

Alaska; fisheries of Exclusive Economic Zone—

Bering Sea and Aleutian Islands and Gulf of Alaska groundfish and king and tanner crab; comments due by 3-19-01; published 1-17-01

Caribbean, Gulf, and South Atlantic fisheries—

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Atlantic bluefish; comments due by 3-23-01; published 2-21-01

**DEFENSE DEPARTMENT**

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**EDUCATION DEPARTMENT**

Student financial assistance programs; electronic records retention; performance standards; comments due by 3-19-01; published 3-2-01

**ENERGY DEPARTMENT****Energy Efficiency and Renewable Energy Office**

Consumer products; energy conservation program:

Test procedures—  
Central air conditioners and heat pumps; comments due by 3-23-01; published 1-22-01

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National Priorities List update; comments due by 3-19-01; published 2-15-01

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Pollutants analysis; test procedures; guidelines establishment; comments due by 3-19-01; published 1-16-01

**FARM CREDIT ADMINISTRATION**

Farm credit system:

Organization, general provisions, and disclosure to shareholders—

National charters; requirements; comments due by 3-19-01; published 2-16-01

**FEDERAL COMMUNICATIONS COMMISSION**

Common carrier services:

Federal-State Joint Board on Universal Service—

Local telephone service competition status and advanced telecommunications capability (broadband) deployment; comments due by 3-19-01; published 2-15-01

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Oregon; comments due by 3-19-01; published 2-1-01

Texas; comments due by 3-19-01; published 2-1-01

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**HEALTH AND HUMAN SERVICES DEPARTMENT****Health Care Financing Administration**

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**INTERIOR DEPARTMENT****National Park Service**

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## SOCIAL SECURITY ADMINISTRATION

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### Coast Guard

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## TRANSPORTATION DEPARTMENT

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## TRANSPORTATION DEPARTMENT

### Federal Aviation Administration

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Defective motor vehicles and equipment; early warning reporting requirements; comments due by 3-23-01; published 1-22-01

## TREASURY DEPARTMENT

### Internal Revenue Service

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Trust treated as part of estate; election; comments due by 3-19-01; published 12-18-00

## LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with "PLUS" (Public Laws Update Service) on 202-523-6641. This list is also available online at <http://www.nara.gov/fedreg>.

The text of laws is not published in the **Federal Register** but may be ordered in "slip law" (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202-512-1808). The text will also be made available on the Internet from GPO Access at <http://www.access.gpo.gov/nara/index.html>. Some laws may not yet be available.

## H.R. 559/P.L. 107-2

To designate the United States courthouse located at 1 Courthouse Way in Boston, Massachusetts, as the "John Joseph Moakley United States Courthouse". (Mar. 13, 2001; 115 Stat. 4)

## S. 279/P.L. 107-3

Affecting the representation of the majority and minority membership of the Senate Members of the Joint Economic Committee. (Mar. 13, 2001; 115 Stat. 5)

Last List February 20, 2001

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